

# THE LOCAL GOVERNMENT

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EDUCATIONAL ASSOCIATION AND CO-OPERATIVE UNION; TUTOR TO THE  
UNIVERSITY EXTENSION BOARD AND NATIONAL ASSOCIATION OF LOCAL  
GOVERNMENT OFFICERS

WITH A FOREWORD

BY

SIR HOMEWOOD CRAWFORD



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TO  
THE MEMORY OF  
MY FATHER  
WHO FIRST LED ME TO THAT PATH OF  
CITIZENSHIP  
WHICH I HAVE SINCE  
ENDEAVOURED TO TREAD

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## FOREWORD

I AM glad to hear that Mr. Clarke is making the scope of his excellent work *Outlines of Local Government Administration*, so extremely useful to those in Local Government Service.

With an intimate knowledge of the Local Government work, gained from 40 years' experience, I do not hesitate to say that Local Government Administration is of great importance to the well-being of our Empire. Efficiency is largely to be obtained by training them in making themselves thoroughly acquainted with the law which appertains to it.

Obviously, it must be to the advantage of those who have ready at hand a work, or text-book, on which reliance can be placed to enable them to obtain the knowledge of which it is so absolutely essential that they should become possessed, in order to qualify themselves for positions in the Local Government Service, whether connected with the Local Government Department, or with the Municipalities of the Kingdom.

As President of the National Association of Local Government Officers—a body consisting of 100 members—I cannot emphasize too much the importance of efficiency; and I earnestly hope that this new work will help materially to bring about that ideal.

(Signed)      HOMEWOOD CRAWFORD.

THE GUILDHALL,  
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## PREFACE

THE issue of four editions of *Outlines of Local Government* since April, 1918, is evidence that it has met a want among persons engaged in Local Government administration as well as among the general public. Encouraged, therefore, by requests from all parts of the United Kingdom, the writer penned the following pages with a view to enlarging upon a number of points which are necessarily dealt with but briefly in the *Outlines*. The object of the present book is to meet the requirements of the general reader and the Local Government administrator. At the same time the claims of the students of the London School of Economics and Political Science, and of the kindred Schools of Social Science in the provincial Universities have been kept in view. It is hoped also that it will prove of assistance to students preparing for the examinations of the Institute of Municipal Treasurers and Accountants, Incorporated, the National Association of Local Government Officers, the Poor Law Examinations Board, and the Union of Lancashire and Cheshire Institutes.

In this book the different forms of Local Government in the United Kingdom have been analysed and compared (it is believed for the first time), and it is hoped at a later date to treat the subject at greater length.

I have availed myself of the many suggestions and criticisms of the earlier work which have reached me from friends in various academic and administrative circles. In particular I desire to express my thanks to Mr. R. Elliott Halsall, M.Sc., Mr. J. E. Pratt, A.C.I.S., and Mr. P. Taggart, A.S.A.A., who have read the

proofs and made valuable suggestions; to Mr. Alfred H. Davies, of the Birkenhead Corporation staff, who has reproduced the Charts; and to Mr. W. J. Parry, A.I.M.T.A., of the staff of the Liverpool City Treasurer and Controller, who has read the proofs from the standpoint of the examination student.

In preparing the chapter on Scotland, I have endeavoured to confirm the facts by personal inquiry and observation. In this connection I desire to express my thanks to many friends engaged in Scottish Local Government administration, including Lord Provost Paxton and Sir John S. Samuel, of the City of Glasgow. Mr. P. A. Thomson, Town Clerk of the Royal Burgh of Ayr, has read the chapter and made valuable suggestions.

His many friends throughout the Local Government service will appreciate the Foreword which Sir Homewood Crawford has kindly contributed.

JOHN J. CLARKE.

THE UNIVERSITY OF LIVERPOOL,  
*October, 1921.*

# CONTENTS

Foreword by Sir Homewood Crawford . . . . .	PAGE v
Preface . . . . .	vii

## SECTION I

### THE STATE IN RELATION TO LOCAL GOVERNMENT

I. Functions and Principles of Local Government . . . . .	1
II. Central Departments of the State . . . . .	17
III. The Voter and Local Government . . . . .	52

## SECTION II

### LOCAL AUTHORITIES IN ENGLAND AND WALES

IV. The Parish . . . . .	59
V. The District . . . . .	68
VI. The Borough . . . . .	78
VII. The Justice of the Peace . . . . .	91
VIII. The County . . . . .	96
IX. The Overseer of the Poor . . . . .	104
X. Local Finance—Accounts and Audit . . . . .	115

## SECTION III

### LOCAL AUTHORITIES IN RELATION TO PUBLIC HEALTH, PUBLIC UNDERTAKINGS, AND PUBLIC PROTECTION

XI. Public Health . . . . .	135
XII. Highways, Streets, and Bridges . . . . .	147
XIII. Housing . . . . .	156

## CONTENTS

	PAGE
XIV. Town Planning . . . . .	165
XV. The Adoptive Acts (including Small Holdings and Allotment Acts) . . . . .	172
XVI. Municipal Trading . . . . .	179
XVII. Police . . . . .	190

## SECTION IV

### LOCAL AUTHORITIES IN RELATION TO EDUCATION AND MORAL IMPROVEMENT

XXVIII. Education . . . . .	198
XIX. The Children Act, 1908 . . . . .	231
XX. Mental Deficiency—	
Part I.—Lunacy Acts, 1890 to 1911 . . . . .	241
Part II.—Mental Deficiency Act, 1913. . . . .	242

## SECTION V

### LOCAL AND OTHER AUTHORITIES IN RELATION TO PUBLIC ASSISTANCE AND THE RELIEF AND PREVENTION OF POVERTY

XXI. Public Assistance—	
Part I.—Poor Law . . . . .	248
Part II.—Proposals for Reform of the Poor Laws . . . . .	255
XXII. Unemployed Workmen Act, 1905 . . . . .	258
XXIII. The Old Age Pensions Acts . . . . .	263
XXIV. Employment Exchanges (Labour Exchanges Act, 1909) . . . . .	269
XXV. Trade Boards—	
Part I.—Trade Boards Acts . . . . .	272
Part II.—Corn Production Acts . . . . .	275
XXVI. The National Health Insurance Acts . . . . .	278
XXVII. The Unemployment Insurance Acts . . . . .	287



# CONTENTS

xi

## SECTION VI

### SPECIAL LEGISLATION

XXVIII.	London	PAGE
XXIX.	Scotland	294
XXX.	Ireland	306
XXXI.	Social Service, War Charities, and Pensions	327
XXXII.	Suggestions to Members of Local Authorities	336

### APPENDICES

I.	Central Departments of the State dealing with Local Government	342
II.	Territorial Divisions of Local Government Areas	343
III.	Local Government : Functions, Control, Administration, and Finance	344
	Bibliography	346
	Index	359

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# THE LOCAL GOVERNMENT OF THE UNITED KINGDOM

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## CHAPTER I

### FUNCTIONS AND PRINCIPLES OF LOCAL GOVERNMENT

THE purpose of the following pages is to stimulate the interest of citizens in the importance of the duties and responsibilities of citizenship where these apply to Local Government. The development within the State of a sound body of citizens who are ready to grasp the meaning of the increasing responsibilities which devolve upon them, is a duty no less important than that of the King in Parliament, who acts by and with the consent of the citizens of this country in determining these responsibilities.

In the first place, an endeavour will be made to outline the sphere of Local Government. Local Government may be said to be that part of the government of a nation or State which deals with such matters as concern the inhabitants of a particular district or place, and which it is thought desirable should be administered by local authorities, subordinate to the State.

The State is the organization that gives effect to sovereignty, whether such sovereignty proceeds from a king or from a democracy. The State is the modern

## 2 LOCAL GOVERNMENT OF THE UNITED KINGDOM

type of political organization which provides for the corporate functioning of social groupings geographically delineated and united by common interest or fealty. It is a permanent piece of social machinery which continues in being notwithstanding changes in the personnel of the individuals in control. For its complete working, this machine demands the performance of certain duties by the citizens of the State.

The fulfilment of the duty of a citizen to his neighbour and his neighbourhood is a primary duty of civilization. From early days this has involved service and sacrifice. These may be classified under the following heads—

To succour and provide for the poor and helpless, whether by charitable alms or compulsory taxation ;

To create no nuisance, either to his neighbour or to the community at large ;

To see that conditions conducive to public health are provided, and to promote the welfare of the community in which he dwells.

The freedom generated by our local institutions affects the Central Government and this in its turn reacts in favour of still further developments in Local Government. Thus the local authorities may become pioneers in various fields of political activity, more especially in the direction of social and moral improvement. The Central Government, realizing the benefit of such local improvements, may adopt these for national purposes and in return delegate still further powers to the local authorities for development, e.g. the early sanitary legislation of progressive towns became the basis of our Public Health Acts. The opportunities for local initiative so provided form a reason why many citizens prefer to serve the State in the local Council rather than to undertake the wider activities of the national Parliament.

The sphere of Local Government has steadily

increased. From time to time Parliament has been compelled to delegate large powers to local authorities. The number of these functions has increased with almost bewildering rapidity, and emphasizes the urgent necessity of a clear understanding, by the citizen, of the subjects committed to the care of our local authorities.

Like our political Constitution, local institutions have developed along lines more or less casual.

Reforms in the Parliamentary franchise have prepared the way for reforms in Local Government. The plural vote is now obsolete, and the property qualifications formerly required from all representatives are now abolished.

The changes which must arise from the Representation of the People Act, 1918, which confers practically adult suffrage, will have far-reaching effects upon both imperial and local affairs.

The powers controlling the acts of local authorities may be said to be—

1. *Parliament*, which remains the supreme authority, and from which all powers are derived.

2. *The Common Law*, which may be said to be the unwritten or traditional law of the realm.

3. *The written Constitutions of our local authorities.*

At one period, and particularly during the early years of the nineteenth century, a definite attempt was made to multiply organizations and services without any attempt to prevent overlapping or the consequent interference with efficiency. Now we find that the principal Acts of Parliament governing the constitution of English local authorities are the Poor Law (Amendment) Act, 1834; Municipal Corporations Act, 1882; the Local Government Acts, 1888 and 1894; the London Government Act, 1899; together with their numerous amendments, which secure adequate cohesion between the respective local authorities.

#### 4 LOCAL GOVERNMENT OF THE UNITED KINGDOM

4. *The Central Departments of the State*, to which reference is made in Chapter II, whose actions are designed to secure efficiency.

Now while the acts of the local authorities are thus controlled, the actions of representatives also pass under review by various methods.

In local areas, the election pledges made by candidates, either individually or in a group or party, are productive of keen controversy. Often a keen and high-minded opposition can do much to stimulate into fruitful action a party which, while possessing the control over the management, is reluctant to undertake work for social and moral improvement by reason of the expenditure involved being likely to make the party unpopular.

In a more general degree the inspections by, and instructions from, the Central Departments of the State have considerable effect on the opinions and outlook of many representatives.

From the standpoint of specialized administration, the influence of the permanent officials is important. Many of them are persons who by experience and training are capable of exercising great control over the policies of local authorities. This has often been shown in districts where the local authority, under wise and public-spirited leadership, has been able to secure the services of officials of high attainments who have been the means of transforming a backward area into a progressive and enlightened district.

#### THE DEVELOPMENT OF LOCAL GOVERNMENT.

Local Government in England existed before the Central Government came into being. In fact, the central administration as we know it to-day dates from the twelfth century, whereas authorities for the administration of Local Government in this country date from

the days of Alfred. The Saxon times have been called "the golden age of Local Government," the reason being that, in those days, there was little for the Central Government to do except in time of war. The main duties of a freeman were military service, assistance in the maintenance of bridges and in the repair of fortifications.

The principal authorities which then existed were the Township, Hundred, Borough, and Shire. The Township is now known by its ecclesiastical name of Parish. The Hundred is now almost unknown, but its place is taken by the District. The Borough still survives, while the Shire is now known by its Norman name of County.

Their duties were Legislative, Judicial, and Administrative.

Representation was from the Township to the Hundred, and from the Hundred to the Shire, with appeal to the Justices in eyre or travelling Justices.

The importance of the part played at this time by the Secular Clergy in their parish meeting must not be overlooked, for, as the principal or only educated persons, they were often appealed to by the parishioners for protection against hardships imposed by the feudal lords.

Care must be taken not to confuse the County Court in Saxon times with the present County Court, for this latter dates from 1846 and settles only civil questions.

### CONFUSION IN THE NINETEENTH CENTURY.

The deficiencies of the Poor Law administration, which had become one of the greatest evils of the times, were met by the creation of Boards of Guardians under the

Poor Law (Amendment) Act, 1834. This was followed by the creation of many new authorities during that century.

Each special need was met by creating a new authority, having separate officers and rating powers—our English habit of legislating piece-meal. Thus we had established, among others, the following authorities—

- (a) Highway Boards ;
- (b) Conservancy Boards ;
- (c) Local Boards of Health ;
- (d) Improvement Act Commissioners ;
- (e) Port Sanitary Authorities ;
- (f) Burial Boards ;
- (g) School Boards.

In 1883, Local Government could be described as consisting of “a chaos of areas, a chaos of authorities, and a chaos of rates.” There was no co-ordination among the numerous authorities.

The boundaries of the different authorities were not conterminous, the divisions of the various areas often overlapping and interlacing. To add to the confusion, nearly every authority was entitled to levy a rate for the purpose of meeting its expenditure.

### SIMPLIFICATION OF AREAS.

Special Acts passed in 1876, 1879, and 1882 have made very considerable changes in areas. Under the Local Government Acts, 1888 and 1894, large powers are given to County Councils to alter and define areas, subject to consent of the Ministry of Health. The Municipal Corporations Act, 1882, constituted the legislation for the boroughs.

Speaking generally, the parish is once more the unit of Local Government.

The object of the Local Government Acts of 1888 and



1894 was to complete the restoration of popular representation to our Local Government authorities by the establishment or co-ordination of—

1. (a) The County Council, under the Local Government Act, 1888; (b) the County Borough Council.

2. In County Areas: (i) Urban; (ii) Rural. (a) The District Council; (b) the Parish Council or Meeting in Rural Districts.

3. The relation of boroughs, other than County Boroughs, to the county in which they are situated.

### LOCAL AUTHORITY.

Local Authorities were established to serve such areas. Under the Local Government Emergency Provisions Act, 1916, the term "local authority" meaning any person or body of persons who receive or expend the proceeds of any local rate, and any other public body which the Ministry of Health may determine to be a local authority, but not including generally the Overseers of the Poor except by direction of that Ministry. Provided that where any such authority is a police authority, it shall not, as such, be deemed to be a local authority.

These authorities are principally—

(a) Parish Meetings or Parish Councils; See Chapter IV.

(b) Urban or Rural District Councils; See Chapter V.

(c) Borough Councils; See Chapter VI.

(d) County Councils; See Chapter VIII.

(e) Board of Guardians; See Chapter XXI.

(f) Burial Boards and Joint Boards; See Chapter XI.

Functions of local government are also performed by—

(g) Overseers of the Poor; See Chapter IX.

(h) Justices of the Peace, who have, in addition to their judicial functions, certain duties appertaining to Local Government. These are referred to in Chapter VII.

In addition, there are joint committees of various bodies, including—

1. Standing Joint Committees for police ; See Chapter XVII.
2. Port Sanitary Authorities ; See Chapter XI.
3. Joint Hospital Boards ; See Chapter XI.
4. Burial Boards ; See Chapter XI.

Committees with powers of co-optation are the creation of the first decade of the twentieth century, the principle being introduced into the Education Act, 1902, and thereafter extended to : Distress Committees under Unemployed Workmen Act, 1905 ; Pensions Committees under the Old Age Pensions Acts ; Local Committees under the Naval and Military War Pensions, etc., Acts ; Insurance Committees under the National Health Insurance Acts ; Maternity and Child Welfare Committees, and others under other enactments.

### LIMITATIONS OF LOCAL GOVERNMENT.

Certain duties of local authorities vary with the class and status of each local authority ; thus, Parish Meetings are not sanitary authorities, Rural District Councils are not educational authorities. The powers of other authorities vary, usually by reference to the number of the population.

Similar variations also apply to limitations of powers of rating and borrowing. The Parish Council cannot exceed a threepenny rate on general services except with the consent of the Parish Meeting, and then only to the extent of a further rate of threepence in the pound. Loans are similarly restricted.

Each local authority, with the exception of the County Council (and County Borough Council), administers, broadly speaking, a unit forming a component part of the area of another authority. Thus the area of the

Parish Meeting or Parish Council is within the area of the Rural District Council and the County Council. The area of an Urban or Rural District Council, or Borough Council, is within the area of the County Council and includes one or more parishes. Board of Guardians, as the remaining *ad hoc* authority (i.e. created for one specific purpose), may contain the area of one or more parishes and be included within one or more districts or boroughs.

While the area of the authorities is defined, the duties of authorities are not all confined to their respective areas. Thus, the County Councils exercise functions within some boroughs and within all parishes. Borough Councils and Rural and Urban District Councils exercise functions within parishes.

### FUNCTIONS OF LOCAL GOVERNMENT.

The functions of Local Government are dependent upon the maintenance of a local legislature, executive officers and equipment, a system of elections, also the power to sue and liability to be sued in a corporate capacity in the courts of law, and the possession of a financial system. The work of the local authorities includes the care of certain classes of the community within its jurisdiction, including paupers, lunatics, mentally defectives, and inebriates.

The local authorities must make provision for the public safety by the maintenance of local courts of civil and criminal jurisdiction, police force, protection from fire, inspection of buildings, examination of weights and measures, regulation of traffic and dangerous trades, and the enforcement of sanitary measures. Included in the functions are the maintenance of works of public convenience and utility, such as streets and bridges, including the lighting and cleansing of same, together with

the disposal of sewage and the collection of household and trade refuse. It is further incumbent upon the local authorities to provide, to the extent of specific powers, for the establishment of institutions for the betterment of the community and for the development of character, such as schools, libraries, parks, museums, and gymnasia. There have developed also the duties of management of quasi-commercial undertakings, such as markets, water supply, gas supply, tramways, electrical works, and cemeteries.

The establishment by local authorities of schemes for social experiments has resulted in energetic authorities being enabled to anticipate national requirements. In recent years there has devolved upon local authorities the control of certain functions of a national character, including pensions, food, and fuel. The State has created from time to time new functions of local government, and is still continuing to do so.

The field of Local Government constitutes a training ground for the National Government, many Members of Parliament having obtained their training in public work as members of local authorities.

### PRINCIPLES OF LOCAL GOVERNMENT.

There is no strict line of demarcation between Central and Local Government. Subject to the will and authority of the Central Government, the limitations of each are usually determined by compromise. For many centuries the State has allowed, and still allows, certain localities within the national area to be governed, in all but State matters, by certain elected representative authorities. These local authorities exist primarily to conduct administrative work. Their business is to carry out laws which they must not transgress, and their chief concern is to supervise and criticize the administration.

The exact limitation of the relations between Central and Local Government are often in matters of conflict between the out-and-out "local self-government" school and the "centralizers," the latter wishing to smooth out local inequalities by bureaucratic control and an extension of local taxation grants centrally administered. This latter school of politicians appears to mistrust our local authorities at every turn, and tries to control them in everything they do. There is a tendency in some quarters to belittle the local authorities and their work, and to ride over them by means of Government Departments. Local Government is, after all, the birthright of English political liberty, and it would probably be desirable to encourage administrative ability by attracting a better class of local administrators than by centralizing that administration in the Central Departments at London. The local authorities which are urging that a division of services should be made into "national" and "local," or "onerous" and "beneficial," with a view to making the Exchequer bear a large share of the burden are, therefore, unwittingly tending to bring about the bureaucratic system.

Local Government is, in the first place, centralized thus by the power of Parliament to pass those Acts which it deems prudent should be administered by local authorities. It is also centralized by the interpretation which is put upon those Acts of Parliament by the High Court of Justice as to the intentions of the legislature; and, further, by the control exercised by the Departments of the State which are charged with the duty of enforcing the law, as passed by Parliament and interpreted by the High Court.

The Central Departments (which are considered in detail in the following Chapter) exercise their control

in various ways. Primarily, this control is made effective by the numerous officers who discharge various duties which are delegated to the respective Departments by the Acts which are so administered. These officers, whether Inspectors of the Ministry of Health, Board of Education or other Departments, or Auditors of the Ministry of Health, are civil servants holding office from the Crown and responsible only to their Department. At the same time, there is a freedom from that legal restraint which is so notable a feature of Continental administration. Thus we have—

Inspections of Police and establishments to ascertain that the standard of efficiency required is maintained.

Inquiries relating to borrowing and local schemes, as in the case of the Public Health administration and alteration of boundaries of boroughs or unions.

Hearing of complaints as to administration, whether of local authorities or of bodies of managers of reformatory and industrial schools.

Statistics which the local authorities are required to furnish. These include: Financial; Sanitary; Poor; Education; Judicial; Births, Deaths, and Marriages; Mental Deficiency, which are embodied in Returns to the Central Departments.

Further, control is exercised by audit of some accounts by District Auditors of the Ministry of Health under the District Auditors Act, 1879.

There is also the prescription of duties and their enforcement by writs issued by the High Court of Justice. Such, for example, are the Orders under the Housing Acts whereby the Ministry of Health generally requires the re-housing of a certain number of persons on the site of any demolition housing scheme before such scheme will be approved.

Advice respecting new powers and duties is also given

to the local authorities by means of Circulars, either general or special.

Under certain enactments Provisional Orders are issued by the Central Departments conferring additional powers upon the local authorities concerned.

There remains the control over the legislative power of the local authorities, for all by-laws are subject to the approval of the Secretary of State or the Ministry of Health, and no by-laws are approved which are contrary to or outside the ambit of the general laws.

The control exercised over any local authority, either by the central authorities or by some other local authority, is in inverse ratio to the powers given. Thus, the control over the Parish Council is more inclusive than that over the County Council.

Sometimes restrictions as to expenditure are relaxed, particularly in matters of social betterment. For example, the limitation as to borrowing does not apply to loans for housing, while the maximum period which may be sanctioned for the repayment of loans for housing purposes may be 80 years instead of the ordinary limit applicable to the authority for the area.

Protection is afforded the citizen from autocratic action by the local authority, and the local official is safeguarded in the discharge of his duties.

The admission of the Press to meetings is regulated by the Local Authorities (Admission of the Press to Meetings) Act, 1908, whereby representatives of the Press have a right to be present at the meetings of every local authority, unless they are temporarily excluded by resolution of such authority.

Variety in Local Government stimulates interest and efficiency in the exercise of local powers.

The principle of Proportional Representation on the system of the Single Transferable Vote has been

introduced into Local Government elections in Ireland. It is used in the elections for the County Education Authorities in Scotland. Lord Parmoor introduced a Bill to extend the system to England and Wales, but it was defeated in the House of Commons on the Second Reading in May, 1921.

### COMMITTEES.

Committees of local authorities are becoming increasingly important, and committee work constitutes the larger part of the duty of the local legislators. Certain committees are Statutory, e.g. the Finance Committee of the County Council. Some committees are Joint Committees, e.g. a Joint Hospital Committee consisting of members elected by two or more local authorities. Other committees have the power to co-opt persons not members of the local authority and may include one or more women, e.g. the Maternity and Child Welfare Committee. The proceedings of most committees require to be confirmed by the local authority, e.g. Health Committee; but other committees merely report their proceedings, e.g. the Committees of a County Council.

There is a growing tendency towards Federation of Committees, as is outlined in the Education Act, 1918, and in the direction of co-optation, e.g. the Housing Committee under the Housing and Town Planning, etc., Act, 1919. The principle of co-optation seems to be influenced by the desire to secure services from two sources which may or may not be already represented by elected persons, viz. (1) the expert and the vocational interest, as in the case of teachers on Education Committees; and (2) the consuming interest, or persons directly affected, as in the case of Electricity (Supply) Committees.



## FINANCE.

Taxes are levied by the Central Government upon real and personal property. These taxes may be direct, e.g. income tax, wine licences, carriage, dog, gun licences, death duties; or indirect, e.g. duties on tea and tobacco.

Rates, on the other hand, are levied by the local authorities theoretically upon the occupation of real property.

For local purposes, the annual expenditure by way of rent is considered as an index of the income of the householder, but not necessarily the occupation of business premises.

Under a system known as grants in aid, the Treasury contributes in aid of rates, through the Local Taxation Account.

Local Taxation Grants provide for a minimum of efficiency of service with a retention of local autonomy. This provides the Central Government with the right to veto certain appointments—in certain cases, e.g. for officers administering the Poor Law and for Inspectors of Nuisances, the approval of the Ministry of Health is required. Where service is regarded as supremely of national importance no local authority can be allowed to do as it pleases, and this power of control is safeguarded by requiring a certain standard of efficiency in the officers. These matters are dealt with in Chapter X.

## WOMEN IN LOCAL GOVERNMENT.

The extension of suffrage to women has been a feature of recent years. A woman may now be a Poor Law guardian, an overseer, a parish councillor, a district councillor, and (by the Qualification of Women Act,

1907) may be a borough or county councillor or alderman. Women have been co-opted also upon the various statutory committees, such as the Education Committee, Distress Committee, Old Age Pensions Committee, Maternity and Child Welfare Committee, Housing Committee, Naval and Military War Pensions Committee, and the several committees which have been created to meet the requirements arising out of the war. A woman may also be elected mayor or chairman of any local governing authority, and may also become a Justice of the Peace.

Thus to-day all classes of the community have a direct interest in the discharge of the functions of Local Government. This may be said to be the service and sacrifice which we are called upon to make in the interest of the Commonwealth.

## CHAPTER II

### CENTRAL DEPARTMENTS OF THE STATE

THE following are the principal Departments controlling Local Government—

#### THE PRIVY COUNCIL.

The Privy Council is a body of persons nominated by the Prime Minister and approved by the Sovereign. The members of the Privy Council include the following classes: All Cabinet Ministers must be members, and all ex-Cabinet Ministers are therefore members. There are diplomatic members, including Ambassadors, and also the Governors and statesmen of various Colonies and Dependencies. There are honorary members, such as Princes and Archbishops; learned and scientific men are also honoured by nomination to the Privy Council. Judicial members include the Lord Chancellor, the Master of the Rolls, the Lord Chief Justice, the Judges of the Supreme Court, and the Judge Advocate General.

The Privy Council has many functions. It has played a most important part in the administrative development of Local Government. It recommends the Crown to grant Charters of Incorporation for the creation of new Boroughs. Orders in Council make provision for bringing into operation many new statutes. It has also executive functions which give rise to the Boards of the Privy Council—the Board of Trade and the Board of Education. From it also has developed the Ministry of Health (formerly the Local Government Board) and the Ministry of Agriculture and Fisheries (formerly the Board of that name). The Privy Council possesses also Judicial functions, being the Final Court of Appeal for the Colonies, India, and

the Ecclesiastical Courts of this country. In 1915 the Privy Council established a Committee for the Organization and Development of Scientific and Industrial Research. The Privy Council is necessarily independent of party, although the Lord President is always a member of the Government and is the fourth great officer of State. Although the Privy Council is so large—the number is unlimited and is about 300 at present—the members present at a meeting are only perhaps half a dozen, usually members of the Government. The only time the full Council is called is at the proclamation of a new Sovereign.

### THE MINISTRY OF HEALTH.

The Poor Law Amendment Act, 1834, created a central body of Commissioners which became permanent under the title of the Poor Law Board, in 1848.

The Public Health Act of 1848 created a General Board of Health whose members were appointed by the Crown. It had powers to appoint inspectors and to see that the Act was carried out. It was allowed to expire and its functions were transferred to the Home Office and the Privy Council in 1858.

The Royal Sanitary Commission, 1868, strongly deprecated the existing inefficiency and uncertainty of the central sanitary authority and urged the necessity of a new statute to "constitute and give adequate strength to one central authority." In 1871, the Local Government Board was formed, as a result of the Commission's Report. Its work, which was transferred to the Ministry of Health on 1st July, 1919, includes control of the Poor Laws, the Unemployed Workmen's Act, 1895, the Old Age Pensions Acts, and sanitary legislation.

The object of the Ministry of Health Act, 1919, is

to consolidate in one Department, and under one Minister—

(a) All the powers and duties of the Local Government Board;

(b) All the powers and duties of the Insurance Commissioners and the Welsh Insurance Commissioners;

(c) All the powers of the Board of Education with respect to attending the health of expectant and nursing mothers, and of children who have not attained the age of 5 years and are not in attendance at schools recognized by the Board of Education; the medical inspection and treatment of children and young persons;

(d) All the powers of the Privy Council and the Lord President of the Council under the Midwives Acts, 1902 and 1918;

(e) Such powers of supervising the administration of Part I of the Children Act, 1908 (which relates to infant life protection) as have heretofore been exercised, by the Secretary of State.

The Act also contains powers to bring, on a date yet to be determined, under the control of the new Department (a) the care of sick soldiers (now undertaken by the Ministry of Pensions); and (b) the control of lunacy administration which was effected by the transfer of the Board of Control from the Home Office in May, 1920.

The Department controls the various local authorities by means of prescription of duties under statutes, by circulars of advice, by inspections, inquiries, statistical returns, and by audits. For this purpose it possesses a staff of inspectors and auditors. Inspectors have power to call witnesses and to hear evidence on oath, while the auditors possess also the right to compel the attendance of persons, the production of documents, and the right of surcharge in regard to any irregularity which they may consider to exist.

Consultative Councils were established on 14th July, 1919. The duties of these Councils respectively are to give advice and assistance on—

1. Medical and allied services ;
2. National Health Insurance (approved societies' work) ;
3. Local health administration ;
4. General health questions.

The Act also empowers His Majesty by Order in Council to transfer from the Ministry of Health to any other Government Department any of the powers and duties of the Minister which appear to His Majesty not to relate to matters affecting or incidental to the health of the people. In pursuance of that provision, an Order in Council has been made entitled the Ministry of Health (Registration and Elections, Transfer of Powers) Order, 1921, which transfers to the Secretary of State the powers and duties exercised and performed by the Minister of Health, as successors to the Local Government Board, under the Representation of the People Act, 1918. The Order came into operation in June, 1921.

**The General Register Office.** The Ministry of Health is also responsible to Parliament for this Department, whose duty is to control the registration of births, deaths, and marriages in England and Wales, and the preparation of vital statistics. Each Poor Law Union is divided into districts, each with a Registrar appointed by the Board of Guardians. Over these Registrars is a Superintendent Registrar for the whole Union. This official is usually the Clerk to the Guardians. It is the duty of the Superintendent Registrar to verify all entries of births, deaths, and marriages, and forward them quarterly to the Registrar-General. The Department is also responsible for the arrangements of the Census.

## THE TREASURY.

The Office of Lord High Treasurer has been in commission, with certain intervals, since 1612. Since the days of George I the powers and duties of the office of Treasurer of the Exchequer of Great Britain and Lord High Treasurer of Ireland have invariably been executed by Commissioners, consisting of the First Lord of the Treasury, the Chancellor of the Exchequer, and three Lords Commissioners who are usually designated Junior Lords.

The First Lord, if he holds that office only, has no share in the management of the Department, but some minor duties, such as recommending for Civil List Pensions, appertain to his position. A number of appointments are in his gift, and he is *ex-officio* trustee of the National Gallery and of the British Museum. For nearly 80 years, prior to 1885, the office of First Lord of the Treasury was invariably held by the Prime Minister of the day and is usually so held to-day. The Commissioners forming the Treasury Board seldom, if ever, meet; and in fact the real work of the Department is performed by the Chancellor of the Exchequer, who is its effective head, aided in matters of detail by the Financial Secretary and the Permanent Secretary. The Chancellor of the Exchequer sees that the estimates sent in by the spending departments are framed with due regard to economy. He is made acquainted with the views of the Revenue Departments regarding probable receipts, and upon the figures before him he prepares and introduces his Budget. Appointments in the National Debt Office are in his gift, and not only questions affecting public revenue and expenditure but the National Debt and the best methods of reducing it, and the advances made by the National Debt Commissioners for local loans; are all matters within his special cognizance.

The Chancellor of the Exchequer is also Under Treasurer, Master of the Mint, and Principal Commissioner for the Reduction of the National Debt. He also presides in the High Court of Justice at the nomination of Sheriffs. Like the First Lord of the Treasury, he is provided with an official residence at Downing Street. The departmental duties of the three Junior Lords of the Treasury are almost nominal. The Patronage Secretary to the Treasury is principal Government Whip, but he does little more in the Department than nominate to a few appointments.

The Lord High Treasurer, who, when in office, is the third great officer of State, formerly had the appointment of all officers employed in collecting the revenues of the Crown, the nomination of all escheators, the disposal of all plans and ways relating to the revenue, and the power to let leases of Crown lands.

This definition of his powers and duties still holds good, to a great extent, in regard to the Treasury Board, although the management of the Crown lands has passed to the Commissioners of Woods and Forests. The Treasury has control over the management, collection, and expenditure of the public revenue, and exercises a general supervision and control over all the public departments; and no increase of salaries, or additions to, or material changes in, the civil establishments can be made without its authority. All exceptional cases in matters of revenue are referred to the Treasury, and it settles all questions regarding the amount of compensations, allowances, and pensions to be awarded in exceptional cases. The Treasury audits the Civil List, and is the accounting department to the House of Commons for a number of civil service votes, including those for rates on Government property, secret service, criminal prosecutions, learned societies,



subsidies, and temporary commissions. The Treasury sanctions loans granted by the Public Works Loan Board.

In connection with the Treasury there is a Parliamentary counsel who drafts Government Bills. A solicitor or barrister is also appointed Procurator-General and Solicitor to the Treasury, and is generally known as the King's Proctor. He is the Crown's nominee when His Majesty becomes entitled to the personal estate of an intestate and administration is granted by the High Court. He is also the King's Proctor for Divorce Interventions.

The Exchequer Contribution Account, which is closely related to the finances of local authorities, consists of the large sums of money granted by the Treasury for various specified purposes. Some of these, notably the large grants for education, police, public health, mental deficiency, registration, roads, and in relief of agricultural rates, are made by direct subvention from the Treasury to the Departmental Accounts of the various local authorities. Others, such as the proceeds from the local taxation licences, viz., licence and estate duties, customs, and excise duties, are collected by the county authorities, and are carried (subject to the claims of the Treasury) to their Exchequer Contribution Accounts, which are ear-marked for specific purposes. The new Motor Licences must be paid into a special Motor Tax Account.

**The Public Works Loan Board.** The Public Works Loan Board was created in 1817 for the purpose of advancing money, subject to the approval of the Treasury, to municipal authorities for public works, e.g. housing schemes. It makes loans to "public utility societies" and to individual landowners for permanent improvements to estates. Advances are also made to local authorities for the purpose of the

Small Dwellings Acquisition Act, 1899, as amended by the Housing and Town Planning, etc., Act, 1919. Loans are repaid, usually on the annuity system of principal and interest, over periods varying from 20 to 80 years. The rate of interest is fixed by Treasury Minutes.

**The Development Commission.** The Development Commission was established by the Development and Road Improvement Funds Act, 1909 and 1910, to advise the Treasury in the administration of a national fund for the development of agriculture, fisheries, and other analogous economic resources of the United Kingdom.

#### BOARD OF EDUCATION.

The Board of Education Act, 1899, provided for the establishment of a Board of Education charged with the control of matters relating to education in England and Wales, which should take the place of the Education Department and the Department of Science and Art.

(a) **CONSTITUTION.** The Board consists of a President appointed by the Crown, and the following *ex-officio* members: Lord President of Privy Council, the Principal Secretaries of State; the First Commissioner of the Treasury; and the Chancellor of the Exchequer. The President or Secretary may sit in Parliament.

It possesses a political Parliamentary Secretary and a Permanent Secretary. The President of the Board is entitled to a salary, and the Board may, with the sanction of the Treasury, appoint such secretary, officers, and servants as it determines. The Board has an official seal. The Board never meets, the executive work being in the hands of the President and the Secretaries.

(b) **FUNCTIONS.** The Board takes the place of the Education Department of the Privy Council, including

in accordance with the Education (Administrative Provisions) Act of that year.

The Architects Department regulates the erection of schools, and the Legal Department deals with general legal matters.

The Welsh Department administers the Education Acts in relation to Wales and the Welsh Intermediate Education Act, 1889.

There is also the Office of Special Inquiries and Reports, which is under the control of the Director of Special Reports.

(c) DEFINITIONS. Education is now divided into "Elementary" and "Higher" education, and with regard to this division the powers of the local governing bodies vary considerably.

Elementary education is the education of children up to 16 or 17 within the limits of the Code issued by the Board of Education. Higher education means all forms of education other than elementary, viz., Technical education, including instruction in the arts and sciences underlying some trade or profession; Commercial education, including instruction in the art of disposing of the products of industry to the best advantage; Secondary education, including that class of education which lies between the elementary school and the universities, whether self-contained or leading to higher teaching. Day Continuation Schools are provided in accordance with the Education Act, 1918. University education includes training at a university or university college.

(d) DEFAULT OF LOCAL EDUCATION AUTHORITY. If the local education authority fails to fulfil any of its duties under the Education Acts, or fails to provide such additional public school accommodation within the meaning of the Elementary Education Act, 1870,

as is, in the opinion of the Board of Education, necessary in any part of its area, the Board of Education may, after holding a public inquiry, make such order as it thinks necessary or proper for the purpose of compelling the authority to fulfil its duty, and any such order may be enforced by writ of mandamus issuing out of the King's Bench Division of the High Court of Justice.

### THE BOARD OF TRADE.

There are to be found traces of the existence of some kind of Trade Department before the establishment of the Councils of Trade and Plantations under Charles II in 1660. In 1782 these Councils were abolished and the affairs of trade were managed by an informal Committee of the Privy Council. In 1786, the Committee of Council for Trade was appointed and an establishment of clerks attached to it. In 1862, the popular title of the Board of Trade was first recognized by statute.

The Board of Trade is an executive Board of the Privy Council, and consists of a President, who is a politician, and the following *ex-officio* members: His Majesty's Principal Secretaries of State, the First Lord of the Treasury, the Chancellor of the Exchequer, the Speaker of the House of Commons, and the Archbishop of Canterbury. The Board never meets, but periodical meetings take place between the President and the heads of the various departments. In September, 1919, the President established an internal Administrative Council, which includes the Parliamentary and Permanent Secretaries and the heads of the chief administrative departments.

The duties of the Board of Trade are to encourage and supervise the trade and industry of this country, and also to enforce certain statutes relating to trade.

Since January, 1918, the Board has been organized in two main divisions, viz. (1) the Department of Commerce and Industry, and (2) the Department of Public Service Administration.

1. The Department of Commerce and Industry is concerned mainly with the development of trade, with vigilance, with suggestions, with information, and with the duty of assisting national commerce and devising and assisting the policy of national industry.

The Department of Commerce and Industry has seven divisions—

(1) THE DEPARTMENT OF COMMERCIAL RELATIONS AND TREATIES looks after the commercial interests of this country in regard to conventions and treaties with other countries.

(2) THE DEPARTMENT OF OVERSEAS TRADE (DEVELOPMENT AND INTELLIGENCE) acts jointly with the Foreign Office, and deals chiefly with existing and possible trade with other countries; it now has control of the Consular and Attaché services, and pays special attention to the commercial possibilities of foreign countries, receiving regular reports from its foreign representatives.

(3) THE DEPARTMENT OF INDUSTRIES AND MANUFACTURES is an entirely new department, intended to deal with the development of industries, paying special attention to the influence which foreign manufactures have upon home productions

It possesses five sub-divisions viz. : Scientific Instruments, Glassware and Potash Production Branch, Flax Control Board, Mineral Resources Development Department, Empire Cotton Growing Committee, and Licensing Section.

(4) THE STANDARDS DEPARTMENT has the custody of Imperial and Secondary weights and measures, and

wreck and salvage, and pilotage, are now undertaken by this department. In connection with this department is the office of the Registrar-General of Shipping and Seamen, which keeps the logs of ships and official shipping records. There is also the Marine Survey Department which supervises ships and appliances. An advisory body of experts, known as the Marine Consultative Branch, advises the Marine Survey Department on technical matters.

(2) THE PILOTAGE DEPARTMENT is under the control of a Pilotage Commissioner.

(3) THE COMPANIES DEPARTMENT deals with legislation in regard to the Government control of joint stock companies, the Registration of Business Names Act, 1917, the Companies (Particulars as to Directors) Act, 1917, the Assurance Companies Act, 1909, and the Arts Union Act, 1846. This department supervises and controls Official Receivers in connection with the winding-up of joint stock companies in the High Court and in the County Courts. For this purpose it includes the Joint Stock Companies Registry Office and the Companies Winding-up Office under the Companies Acts, 1908 to 1917. To a certain degree this department protects the public from fraud in regard to company flotation.

(4) THE BANKRUPTCY DEPARTMENT is responsible for administration of the law relating to bankruptcy and deeds of arrangement and controls the Official Receivers in Bankruptcy of both the High and the County Courts.

There are, in addition to these, three general departments—the Solicitor's Department, the Finance Department, and the Establishment Department—which are really interior departments and have little to do with the functions of the Board. The *Board of Trade Journal* is the official publication of the Board and is now the

medium of announcement for the Board of Trade in general and the Joint Department of Overseas Trade.

Besides these Departments, there are certain temporary Departments, including the Controller of Trading Accounts, Timber Supplies Department, Imported Timber Disposal Section, Meat Supplies Department, Coal Mines Department, Export Credits Department, and Profiteering Act Department, most of which are intimately connected with Local Government.

### THE MINISTRY OF LABOUR.

The Ministry of Labour was created under the New Ministries and Secretaries Act, 1916, and there were transferred to it the powers and duties of the Board of Trade under the Conciliation Act, 1896, the Labour Exchange Act, 1909, Trade Board Act, 1909, the National Insurance Unemployment Acts, 1911-18, and Part I of the Ministry of Munitions of War Act, 1915.

Secondly, there are relegated to the Minister of Labour such other duties of the Board of Trade or of any other Government Department or authority relating to labour and industry, whether conferred by statute or otherwise, as His Majesty may by Order in Council transfer to him or authorize him to exercise or perform concurrently with or in consultation with the Government Department or authority concerned.

### THE MINISTRY OF AGRICULTURE AND FISHERIES.

The first Board of Agriculture was created by Royal Charter in 1793, but, though supported by Parliamentary funds, it was not so much a Government Department as a society for the improvement of agriculture. The Board died of inanition when the grant was withdrawn.

In 1836 a body of Commissioners was appointed to

carry out the provisions of the Tithe Act of 1836. By this law tithes were converted into a charge payable in money calculated on the average tithe paid in each parish during the seven years previous to 1836, and fluctuating yearly in value according to the septennial average of the prices of wheat, barley and oats.

The Enclosure Act of 1845 appointed a separate body of Commissioners to carry out the provisions of the Act. In 1851, the two foregoing bodies were merged into one. In 1882, the Department was re-organized under the name of Land Commissioners.

The Board of Agriculture was established in 1889. Its powers were extended in 1903, when it became known as the Board of Agriculture and Fisheries. By the Ministry of Agriculture and Fisheries Act, 1919, a Minister of Agriculture and Fisheries, together with a Ministry of that name, was substituted for the Board of Agriculture and Fisheries. In December, 1919, the Ministry was re-organized.

It has five departments : (1) Intelligence ; (2) Land and Supplies ; (3) Finance and Economics ; (4) Fisheries ; (5) Welsh.

The heads of the first three departments form the Minister's Administrative Council, which meets twice weekly to consider questions of policy and to secure the co-ordination of the various departments. The heads of the other two departments will be entitled to attend the Administrative Council when matters affecting their respective departments are under consideration. The same rule applies to the legal adviser to the Ministry.

Some of the more important powers and duties affecting Local Government are the issue of orders under the following Acts or for the purposes mentioned : The Diseases of Animals Acts ; the Markets and Fairs (Weighing of Cattle) Acts ; the Tithe Copyhold and



Inclosure Acts ; Draining and Improvement of Land, University and College Estates, Glebe Land, Agricultural Holdings, Small Holdings, and Allotments ; the Corn Return Acts, 1882 ; Fertilizers and Feeding Stuffs Acts ; Destructive Insects and Pests Acts ; Merchandise and Marks Acts, relating to agricultural produce ; Food and Drugs Acts ; Salmon and Freshwater Fisheries Act ; Ordnance Survey Act.

The Ministry of Agriculture and Fisheries Act, 1919, Part II, has introduced important alterations in the working constitution of the Ministry. For the purpose of assisting the Ministry in executing its powers and duties, the Act established a Council of Agriculture for England, a similar Council for Wales, and an Agricultural Advisory Committee for England and Wales. Part III of the Act deals with the establishment of County Agricultural Committees. The appointment of such committees is compulsory on every County Council (other than the London County Council), but is optional in the case of County Boroughs and the London County Council. A committee may consist partly of persons who are not members of the council. Considerable powers are to be delegated to these committees with respect to agriculture, including the powers of the Council under the Destructive Insects and Pests Acts of 1877 and 1907 ; Diseases of Animals Acts, 1894 to 1914 ; Fertilizers and Feeding Stuffs Act, 1900 ; Land Drainage Act, 1918 ; Small Holdings and Allotments Act, 1908. It is also provided that agricultural education may be referred to these committees.

On the application of the Council, the Ministry of Agriculture and Fisheries, after consultation with the Board of Education, may issue an order directing that any matter specified in the order and relating to agricultural education, which, but for this provision, would

stand referred to the Education Committee, shall stand referred to the Agricultural Committee.

The Ministry may authorize an Agricultural Committee or a Sub-Committee thereof to exercise, on behalf of the Ministry, any of the powers of the Ministry under the provisions of Part IV of the Corn Production Act, 1917, or Part II of the Land Drainage Act, 1918, or any powers of the Ministry in relation to land acquired by them under the Small Holdings Colonies Acts, 1916 and 1918.

The Agricultural Committee shall appoint a Small Holdings and Allotments Sub-Committee and a Diseases of Animals Sub-Committee, which shall act respectively as the Small Holdings and Allotments Committee (required to be established under the Small Holdings and Allotments Act, 1908), and as the Executive Committee appointed under the Diseases of Animals Act, 1894. Any power of the County Council or Borough Council exercisable under the Small Holdings and Allotments Act, 1908, or any Act amending the same (except the power to raise a rate or loan), shall be exercised by the Sub-Committee so appointed.

### THE HOME OFFICE.

**The Home Secretary.** There are five Secretaries of State, viz., the Home Secretary, the Foreign Secretary, the Secretary for War, the Secretary for the Colonies, and the Secretary for India, but legally they all share the same office, and can each (except where otherwise provided by statute) perform the duties of the others. One must always be present in the Metropolis. All of them have seats in the Cabinet.

Of these, the principal secretary is the Home Secretary. He is entrusted with all the work of the secretariat which has not been especially assigned to the

remaining Secretaries of State, or to the other administrative departments. Outlying places, such as the Channel Islands and the Isle of Man (which are not, from an administrative point of view, a part of the United Kingdom and are not Colonies), fall under his jurisdiction.

The duties of the Home Secretary bring him into more immediate and personal relations with the Crown than do those of his colleagues. He receives addresses and petitions which have been addressed to the King in person (as distinct from the King in Council), and he arranges for their reception and their disposal. Wherever the King's pleasure is to be communicated to an individual or a department, unless the matter is specially appropriate to Foreign, Colonial, Military, or Indian affairs, the Home Secretary is the proper medium of communication.

The Home Secretary is responsible for the preservation of the King's Peace. Except in the case of the county of Lancaster, he and the Lord Chancellor are responsible for the appointment of Justices of the Peace. He recommends the appointment of Stipendiary Magistrates, Recorders, and Coroners.

In order to preserve peace, the Home Secretary has the power to call on the military in case of necessity. He exercises a certain amount of control over the police force. He sanctions the appointment of Chief Constables, and any change in the membership or pay of the force. Inspectors of Constabulary are appointed to visit and inquire into the state and efficiency of the police in every borough and county, and, on their reports being satisfactory, half of the cost of all net expenditure on Police Account is paid out of the Exchequer Contribution Account. This gives the Home Secretary power to prescribe the organization, equipment, and discipline of the local forces all over

Great Britain. The Metropolitan Police Force is completely under his control.

The Home Secretary advises the Crown as to the frequency with which assizes should be held. He settles the fees to be taken by Clerks of the Peace and by Clerks to the Justices; he fixes the salary to be paid to the Clerk of the Peace in place of fees; he also fixes the table of fees to be paid to prosecutors and witnesses, and he appoints the Public Prosecutor and his staff.

The Home Secretary advises the King in the exercise of the Royal prerogative of mercy. This is a discretionary power of the Sovereign to remit or modify punishment for a public offence, but the exercise of this prerogative must not interfere with private rights. In every case of reprieve, commutation, or pardon, a Royal Warrant is necessary.

The Home Secretary has to deal with various classes of persons. By the Naturalization of Aliens Act, he may give or withhold a certificate of naturalization, whichever he thinks most conducive to the public good, and he need not assign any reason for such decisions. He ensures the observance of the Acts conferring privileges upon foreign Ambassadors and their servants, and thus preserves amicable relations with the subjects of foreign Powers. He administers extradition laws in regard to persons who, having committed crimes in foreign countries, have taken refuge upon our shores. He administers the laws relating to children, inebriates, lunatics, and animals. With the exception of by-laws relating to nuisances, a copy of all by-laws passed by local authorities must be submitted to him for approval. Should no objection be received, such by-laws cannot come into force until the expiration of 40 days after a copy of them has been sent to him.

Various institutions over which the State has certain

powers of control are under his jurisdiction, such as prisons and gaols (direct) ; industrial and reformatory schools (inspection only).

The Home Secretary is responsible for the safety and welfare of the subject, and thus supervises the operation of the Factory and Workshop Acts, and the Mines Regulation Act, and the control of quarries. He also enforces the Acts relating to burial grounds, anatomy, vivisection, and explosives.

By the Ministry of Health (Lunacy and Mental Deficiency Transfer of Powers) Order, 1920, the powers and duties of the Secretary of State were transferred to the Ministry of Health as from the 17th May, 1920.

By the Ministry of Health (Registration and Elections, Transfer of Powers) Order, 1921, the powers and duties exercised and performed by the Minister of Health, as successors to the Local Government Board, under the Representation of the People Act, 1918, were transferred to the Secretary of State in June, 1921.

The Home Secretary is assisted in his work by a Parliamentary Under-Secretary and a large staff of permanent officials, including a permanent Under-Secretary, a Prison Commissioner, a Metropolitan Police Commission, and a host of inspectors of factories, mines, police, etc.

Although responsible for public order, the Home Secretary is by no means a Minister of the Interior in the Continental sense, for, apart from the police, he has very little to do with Local Government. The supervision of Local Government, although in part spread over different departments, is mainly concentrated in the hands of the Ministry of Health. On the other hand, he has some of the functions of a Minister of Justice.

The Home Secretary is responsible to Parliament for the work of—

The Central Control Board (Liquor Traffic), which was constituted by Act of Parliament in 1915. The Board was established primarily as a war measure, but it is believed that its operations may become permanent.

### THE POST OFFICE.

The Post Office, besides its ordinary business, collects certain local taxation licences for the County Councils and County Borough Councils. It sells National Insurance Stamps on behalf of the Ministry of Health and the Ministry of Labour, Income Tax Stamps, Entertainment Duty Stamps, and Inland Revenue Documents and Stamps. It pays also Old Age Pensions, Navy and Army Separation Allowances and Pensions, and sells National Savings Stamps and Certificates.

### THE CHARITY COMMISSIONERS.

The Charity Commissioners were established in 1874 "for the better administration of Charitable Trusts in England and Wales." In 1879, the powers previously exercised by the Endowed Schools Commissioners were permanently transferred to the Charity Commissioners. In 1899, by Orders in Council, the powers of the Charity Commissioners over all endowments for purely educational purposes were transferred to the Board of Education. Their work has been brought into closer relations with the local authorities through the administration of the War Charities Act, 1916, and the Blind Persons Act, 1920, under which Acts they now possess powers to register certain charities.

### MINISTRY OF PENSIONS.

1. The Ministry of Pensions Act, 1916. On the 14th November, 1916, a Board of Pensions Bill was introduced by Mr. Arthur Henderson, then the Paymaster-General,

with the general object of improving the administration of pensions and grants awarded for disablement sustained in war service. It was proposed by this Bill to constitute a Board of Pensions, with the Paymaster-General as President and the Parliamentary Secretaries of the Admiralty and Local Government Board and the Financial Secretary of the War Office as members. The Bill gave the proposed Board power to deal with military pensions only, and on this and other points met with considerable criticism in the House of Commons. As a result, substantial amendments were proposed by the Government while the Bill was in Committee, which were embodied in what was in effect a new Bill, "The Ministry of Pensions Bill." The Bill as amended was passed and became law on the 22nd December, 1916.

**2. Constitution of the Ministry of Pensions.** The Ministry of Pensions Act, 1916, constitutes a Minister of Pensions responsible to Parliament, and provides that he shall be entitled to receive advice and assistance on any matter on which he may request it from the Parliamentary and Financial Secretary of the Admiralty, the Financial Secretary of the War Office, and the Parliamentary Secretary of the Ministry of Health.

**3. Powers and Duties of Minister.** Section 2 (1) of the Act transfers to the Minister of Pensions, as from a date to be prescribed by Order in Council (*see* paragraph 4(a)), the powers and duties of the Admiralty, the Chelsea Commissioners, and the War Office in respect of the administration of pensions and grants to officers and men, and to their widows, children, and dependants, and to persons in the nursing services of the Naval and Military Forces, except "service" pensions, in-pensions, and pensions or grants payable out of funds provided exclusively for the purpose of Greenwich Hospital. The

award of "service" pensions remains under the control of the Admiralty and War Office.

4 **Central Administration.** (a) **ORIGINAL ORGANIZATION.** In pursuance of the terms of Section 2 (1) of the Ministry of Pensions Act, 1916, an Order in Council was issued transferring to the Minister of Pensions the powers and duties of the Admiralty, the Commissioners of Chelsea Hospital, and the Army Council in regard to the administration of disablement pensions, as from 15th February, 1917.

Section 5 of the Ministry of Pensions Act gave the Minister the usual powers for the appointment of secretaries, officers, and staff, and Section 8 further provided for the transfer to the service of the Ministry of such numbers of the staff employed in the administration of pensions under the Admiralty, the Chelsea Commissioners, and the Army Council, as might be agreed upon between the Ministry and the respective departments. The work of the Ministry was, in the first instance, organized in four divisions, three of which were placed under the charge of Assistant Secretaries, whilst Finance was presided over by the Director of Finance. The divisions were constituted as follows—

(1) The award of pensions to disabled soldiers, seamen, and marines ;

(2) The award of pensions and gratuities to officers and widows and dependants of officers ; and to widows and dependants of soldiers, seamen, or marines killed in war service ;

(3) The control and direction of the Statutory Pensions Committee, including the treatment and training of disabled men ; the office establishment department ; and general matters other than the award of pensions ; and

(4) Finance, including the actual payment of all awards of pension or gratuity.



4 (d). SUBSEQUENT ORGANIZATIONS. With the passing of the Transfer of Powers Act, 1917, the constitution of the department had to be modified to provide for the direct administration by the Ministry of the powers of medical treatment and of training taken over from the Statutory Committee, and for the establishment of a further division to deal with the work of the Special Grants Committee set up under that Act, for which an additional Assistant Secretary was appointed. Ultimately the Minister deemed it desirable, in view of the increase of the work connected with medical treatment and training, to entrust these branches to technical experts, and a Director of Training and a Director of Medical Services were accordingly appointed. It was also decided to form separate branches of the Ministry for the purpose of the supply and repair of artificial limbs, and for surgical appliances, which were respectively placed under the charge of Directors. At the same time, the Inspectorate which had been formed under the Statutory Committee to assist the Local War Pensions Committees was reorganized and increased, and its direction was entrusted to a Chief Inspector. At the 31st March, 1918, the branches of the Ministry responsible to the Secretary were, accordingly, as follows—

1. Finance ;
2. Award of pensions and gratuities to soldiers, seamen, and marines ;
3. Award of pensions and gratuities to widows and dependants of soldiers, seamen, and marines ;
4. Award of pensions and gratuities to officers and widows and dependants of officers, and medical treatment and training of officers ;
5. Local administration and office establishment ;
6. Medical services, including medical treatment of discharged men ;

7. Vocational training of discharged men ;
8. Supply and repair of artificial limbs ;
9. Supply and repair of artificial appliances ;
10. Department of Chief Inspector ;
11. Special Grants Committee.

The Central Administration is assisted by an organization extending over the whole of the United Kingdom. This organization consists of all Local War Pensions Committees, each of which includes two disabled men and one woman, all three being in receipt of pensions covering all parts of the United Kingdom. Local officers are appointed directly by the Ministry, whose duty it is to assist both the Local Committees and the Ministry in regard to the administration of pensions, treatment, etc. There is also an Inspectorate.

### MINISTRY OF TRANSPORT.

In March, 1919, the Ministry of Ways and Communications Bill received its Second Reading. Under the terms of the Bill it was proposed that a Ministry should be set up to co-ordinate all means of transport ; to take control of railways, light railways, tramways, waterways, and inland navigation, and to take over the control of electricity. It was also proposed that roads and bridges and vehicular traffic should be included in the Bill.

The Bill met with a hostile reception, and certain of the proposed powers of the Minister, especially those relating to Orders in Council and control of the Port and Harbour Authorities, were considerably modified during the Committee stage. The result was that the Third Reading was carried without a single member voting against the measure, which became law on 15th August, 1919.

The Ministry of Transport Act, 1919, established a

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Ministry of Transport for the purpose of improving the means of, and the facilities for, locomotion and transport. The Act provides for the transfer to the Minister, as from such date or dates as His Majesty may determine by Order in Council, all powers and duties of any Government Department in relation to (a) railways; (b) light railways; (c) tramways; (d) canals, waterways, and inland navigation; (e) roads, bridges, and ferries, and vehicles and traffic thereon; (f) harbours, docks, and piers, including any powers and duties of any Government Department in relation to any railway, light railway, tramway, canal, inland navigation, harbour, dock, pier, or other undertaking concerned with any of the matters aforesaid, and with respect to the appointment of members or the procedure of any Commissioners, Conservancy Board, or other body having jurisdiction with respect to any matters as aforesaid.

The Minister of Transport is given special powers of direction to the directors and officers and servants of any railway of which possession is retained or taken, as to the management and users thereof. These directions must be obeyed.

The Act further provides that the possession of the railways taken by the Government in pursuance of the "Regulation of the Forces Act, 1871," or otherwise, is to be retained for a period of two years after the passing of the Act (*viz.*, 15th August, 1919), upon the same terms as to compensation as those heretofore in force. This arrangement is modified by the Railway Act, 1921.

It shall be lawful for the Minister to establish, and either by himself or through any other persons to maintain transport services by land or water. Before directing any revision of rates, fares, tolls, dues, or other charges, however, the Minister must refer the matter to

an Advisory Committee for its advice. It is further provided that any rates, fares, or other charges prescribed accordingly shall be deemed to be reasonable and shall be charged during the period for which the Minister retains possession of such undertaking and for a further period of eighteen months afterwards, unless otherwise provided by Parliament.

The Ministry has been organized upon broad lines. The Railway Executive composed of the General Managers of the principal lines (created as the result of the war) is retained, but with modification. The Roads Department is separate. The rest of the Ministry is an indivisible whole with, however, well-defined branches as follows: Civil Engineering, Mechanical Engineering, Traffic Department, Finance and Statistics, Development Department, Public Safety and Labour, Secretarial and Legal. There is also a Treasury Representative.

The work formerly performed by the Joint Roads Committee relating to public highways was transferred as from 31st March, 1920, to the Roads Department of the Ministry of Transport.

The Road Board established by the Development and Road Improvement Act, 1909, has now ceased to exist, and its powers, together with certain powers of the Development Commissioners, have been transferred to the Minister of Transport. The Ministry of Transport Act provides for the appointment of a Roads Committee consisting of not less than eleven members—five representative of highway authorities, five of the users of horse and mechanical road transport, and one of labour—to be appointed by the Minister after consultation with the interests concerned. The Committee appoints its own chairman, and the secretary is appointed by the Minister.

The Ministry of Transport possesses the former

powers of the Road Board which, with the consent of the Treasury, could construct and maintain new roads in any part of the United Kingdom. For this purpose, it might acquire land not only for the road itself, but also up to 220 yards on each side from the middle of the road; and sell, lease, or manage this land, which is, of course, improved in value owing to the road. If it could not acquire the land on reasonable terms it might apply to the Development Commissioners, who might (without Provisional Order Confirmation Act) make an order authorizing compulsory purchase. The Minister of Transport is also given power, with the approval of the Treasury, to make advances, whether by grant or loan, on such terms and conditions as he thinks fit, for "the construction, improvement, or maintenance of roads, bridges, or ferries." He may not, however, without the consent of the local authority, or of the Minister of Health, impose conditions which entail expenditure on a local authority. The Act further provides that the Minister, for the purpose of making the above advances, may, after consultation with the Roads Committee and the local authorities affected, classify roads in such manner as he thinks fit. The Minister may also, by agreement with a local authority, pay half the salary and establishment charges of its engineer and surveyor, provided that the appointment, retention, and dismissal of such engineer or surveyor and the amount of such establishment charges are subject to his approval. This is an extension of the principle of Grants-in-Aid.

The Electricity (Supply) Act, 1919, provides for the Ministry of Transport to set up Electricity Commissioners, to enable these Commissioners to examine the conditions and in certain circumstances to group areas, and to establish joint electricity authorities.

The control of canals was transferred from the Board of Trade to the Ministry of Transport under Order in Council as from 23rd September, 1919.

In June, 1920, the Minister of Transport announced that he had appointed a Departmental Committee on Inland Waterways. The terms of reference were—

1. What portions (if any) of the inland waterway systems of the country should be acquired by the Ministry of Transport with a view to improvement, and upon what terms?
  2. What should be the form of ownership of such acquired portions, whether under the State through a Department of the Minister of Transport, or through a regional trust, or by any other method. If a trust be recommended, what should be its constitution and the nature of its governing body?
  3. What improvement should be carried out in such acquired portions; what would be the cost of the improvement, and how should the necessary funds be raised; whether such acquired or improved portions would become self-supporting, and, if not, what deficit would be obtained to compensate therefor?
  4. What method should be adopted to ensure that any improvement in the value of the frontages should be secured in part at least to the body carrying out the improvement to the waterway?
  5. In what manner could co-operation best be developed between transport by water and transport by rail or road?
- At present there are about 4,600 miles of canals in the United Kingdom, of which about 1,350 miles are owned or controlled by railway companies. Dating mainly from the eighteenth century, these canals are merely narrow cuts, fitted only for barge traffic conducted at a slow rate. It remains to be seen whether

these canals can become the real rival or adjunct of the railways, or whether the improvement of means of communication lies in the improvement and reconstruction of the roads.

### THE PORT OF LONDON.

Until March, 1909, the London Docks, the first of which, the West India Dock, was opened in 1802, were the property of heavily capitalized private companies. Under the Port of London Act, 1908, all the docks were taken over by a newly-constituted Port of London Authority, which also assumed, for that part of the Thames below Teddington, all the rights, powers, and duties of the Thames Conservancy. The Authority took over the functions of the Waterman's Company, which, until 1908, licensed all lightermen navigating the river.

### THE SECRETARY FOR SCOTLAND.

The Minister in charge of the Government of Scotland is the Secretary for Scotland. Previous to 1885, the Home Secretary had charge of Scottish business, although from the Union in 1707 till 1746 there had been a Secretary of State for Scotland. In order to lighten the work of the Home Office, an Act was passed in 1885 making provision for the appointment of a Secretary for Scotland, to whom the transaction of the bulk of the business relating to that country was transferred. This Secretary, who has sometimes a seat in the Cabinet, is Keeper of the Great Seal of Scotland. He is appointed by warrant under the Royal Sign Manual and (since 1892) merely by the delivery of the Seal. The Secretary for Scotland holds also the offices of Vice-President of the Scottish Education Department and President of the Scottish Board of Health. In addition, he has the

power to appoint the members of the Scottish Land Court and of the Board of Agriculture for Scotland.

### THE LORD ADVOCATE.

As in the case of the other chief Departments, the Secretary for Scotland has a Parliamentary Under-Secretary. When the transfer of Scottish business was made, the Lord Advocate, on whom the Home Office had depended for advice in this part of its work, continued his services, and has since acted as Parliamentary Under-Secretary to the Secretary for Scotland. The Lord Advocate is one of the chief law officers of the Crown; he is the legal representative of the Crown in Scotland—his office corresponding to that of the Attorney-General in England—and he is also the legal adviser of the Secretary for Scotland and of any Government Departments that may desire to consult him. The office is a political one, the holder being a member of the Government but not usually of the Cabinet.

### THE SCOTTISH BOARDS.

The Secretary for Scotland is not only head of the Scottish Office but is also head of all the other Departments of Scottish business. With the exception of the Education Department, the control of the great branches of administration is placed in the hands of Boards. The Scottish Boards are composed of a number of persons who, unlike most of the Boards for England and Wales, do periodically meet, and at all times take an active part in the control of the work. Each Board has a Permanent Secretary and staff, and each submits a Report annually to the Secretary for Scotland.

The Local Government Board was established in 1894



and replaced the Board of Supervision, which was established by the Poor Law (Scotland) Act, 1845.

The Scottish Board of Health was established by the Act of that title in 1919, for the purpose of promoting the health of the people throughout Scotland. The Secretary for Scotland may appoint a Parliamentary Under Secretary for Health, who shall be responsible under him for the administration of the Board in the exercise and performance of all powers and duties under the Act. The Secretary for Scotland shall be President and the Parliamentary Under-Secretary shall be Vice-President of the Board by virtue of their respective offices. The Board consists of the appointed members of the former Local Government Board for Scotland, and two of the Scottish Insurance Commissioners nominated by the Secretary for Scotland. The Act provides that the Board must at all times include two registered medical practitioners, one or more women, and a member of the Faculty of Advocates or law agent of not less than ten years' standing. The number of members (other than *ex-officio* members) shall at no time exceed six, and all appointments must be made by the Secretary for Scotland.

The Scottish Board of Health has had transferred to it all the powers and duties of the Local Government Board for Scotland, the Scottish Insurance Commission, the Privy Council, and of the Lord President of the Council under the Midwives (Scotland) Act, 1915. It has also had transferred to it the powers and duties of the Secretary for Scotland under the Rivers Pollution Acts, the Births, Deaths, Marriages Acts, the Vaccination Acts, and the Highlands and Islands (Medical Service) Grant Act, 1913. The powers and duties of the Scottish Education Department with respect to medical inspection and treatment of children and

young persons are also transferred. The Board may be assisted by Consultative Councils as in the case of the Ministry of Health in England.

The Board of Agriculture for Scotland was established in 1911 to take over the work in Scotland (except the powers and duties under the Survey Act, 1870, and the Diseases of Animals Act, 1894) performed by the Board of Agriculture and Fisheries, as well as the work of the Congested Districts Board which was abolished. The Board consists of three members appointed by the Crown on the recommendation of the Secretary for Scotland. One is appointed Chairman and another is called the Commissioner for Small Holdings.

The Scottish Education Department, unlike that of England, still remains a Committee of the Privy Council. As such, the Lord President of the Council is still the nominal head and always signs the Annual Report, but the responsible Minister is the Secretary for Scotland who, by the Act of 1885, is *ex-officio* Vice-President of the Committee. It never meets, and though the Secretary for Scotland remains the responsible Minister, he is guided largely by the Permanent Secretary of the Department.

The Fishery Board of Scotland was established in 1882, to take over the powers and duties conferred on the Board of British White Herring Fishery by the Herring Fishery Acts, 1868-75. As constituted, the Board consisted of nine members but since 1895 the number has consisted of seven members—four representative of the various sea-fishing interests of Scotland, and of the three remaining, one is the Chairman, the second must be a Sheriff of a Scottish county, and the third a person of skill in oceanography.

The General Board of Control received its name in 1913, when the construction of the General Board of

Commissioners in Lunacy, established in 1857, was slightly modified. It consists of six commissioners (viz., an unpaid chairman, two unpaid legal commissioners, three paid medical commissioners) and four—at least one woman—deputy commissioners. Their duties in regard to the supervision of the insane are analogous to those of the English Board of Control.

In addition to the Boards mentioned above, there are the Commissioners of Northern Lights, who are responsible to the Board of Trade.

#### IRELAND.

The Chief Secretary to the Lord Lieutenant of Ireland was first appointed in the reign of George II, and during the existence of a Parliament in Dublin he acted as Leader of the House. After the Union in 1801 the Chief Secretary came into closer contact with the Cabinet and through his office in London is transacted all Irish business except certain formal matters which still pass through the Home Secretary (to whom Irish business had been assigned from 1782-1801). The Chief Secretary is assisted by a number of Boards described in Chapter XXX.

## CHAPTER III

### THE VOTER AND LOCAL GOVERNMENT

#### REPRESENTATION AND TAXATION.

It is only just that all classes should be represented upon our local authorities. Formerly the government of local areas was largely in the hands of tradesmen and the professional and manufacturing classes, who thus had disproportionate voting power. The majority of representatives on local bodies is still drawn from these classes. During recent years, however, the various Labour organizations, such as Trades and Labour Councils, Co-operative Societies, Housing Associations, etc., have been successful in securing seats for separate representatives as distinct from the tradesmen and the professional classes.

#### REPRESENTATION OF THE PEOPLE ACT, 1918.

**Parliamentary Franchise—Men.** Section 1 provides that a man shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency) if he is of full age and not subject to any legal incapacity, and (a) has the requisite resident qualification, or (b) has the requisite business premises qualification.

A man, in order to have the requisite residence qualification or business premises qualification for a constituency—

(a) must on the last day of the qualifying period be residing in premises in the constituency, or occupying business premises in the constituency, as the case may be; and

(b) must during the whole of the qualifying period have resided in premises or occupied business premises, as the case may be, in the constituency, or in another constituency within the same parliamentary borough or parliamentary county, or

within a parliamentary borough or parliamentary county contiguous to that borough or county, or separated from that borough or county by water not exceeding at the nearest point six miles in breadth, measured in the case of tidal water from low-water mark.

For the purposes of this sub-section, the administrative county of London shall be treated as a parliamentary borough.

The expression "business premises" in this section means land or other premises of the yearly value of not less than £10 occupied for the purpose of the business, profession, or trade of the person claiming to be registered.

Section 2 provides that a man shall be entitled to be registered as a parliamentary elector for a university constituency if he is of full age and not subject to any legal incapacity, and has received a degree (other than an honorary degree) at any university forming, or forming part of, the constituency; or, in the case of the Scottish universities, is qualified under Section 27 of the Representation of the People (Scotland) Act, 1868; or, in the case of the University of Dublin, has either received a degree (other than an honorary degree) at the university, or obtained a scholarship or fellowship in the university whether before or after the passing of this Act.

**Parliamentary Franchise—Women.** Section 4 (1) provides that a woman shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency) if she—

- (a) has attained the age of thirty years; and
- (b) is not subject to any legal incapacity; and
- (c) is entitled to be registered as a local government elector in respect of the occupation in that constituency of land or premises (not being a dwelling-house) of a yearly value of not less than five pounds, or of a dwelling-house, or is the wife of a husband entitled to be so registered.

Section 4 (2) provides that a woman shall be entitled to be registered as a parliamentary elector for a university constituency if she has attained the age of 30 years and either would be entitled to be so registered, if she were a man, or has been admitted to and passed the final examination, and kept (under the conditions required of women by the university) the period of residence necessary for a man to obtain a degree at any university forming, or forming part of, a university constituency which did not, at the time the examination was passed, admit women to degrees.

**Local Government Electors.** The Act has made a sweeping change in the qualification of electors as far as Local Government elections and the right to vote at any such elections are concerned, and (by the Sixth Schedule) the new qualifications are substituted for any reference in any other Act to Local Government electors, county electors, burgesses, parochial electors, or other persons entitled to vote at a Local Government election, by whatever name called: and Local Government electors so registered shall for all purposes, whether statutory or not, be in the same position as any such Local Government electors, county electors, burgesses, parochial electors, or persons.

**Local Government Franchise—Men.** Section 3 provides that a man shall be entitled to be registered as a Local Government elector for a Local Government electoral area, if he is of full age and not subject to any legal incapacity, and

(a) is on the last day of the qualifying period occupying as owner or tenant, any land or premises in that area; and

(b) has, during the whole of the qualifying period, so occupied any land or premises in that area, or, if that area is not an administrative county or a county borough, any administrative county or county borough in which the area is wholly or partly situate.

Provided that—

(i) for the purpose of this section a man who himself inhabits any dwelling-house, by virtue of any office, service, or employment, shall, if the dwelling-house is not inhabited by the person in whose service he is in such office, service, or employment, be deemed to occupy the dwelling-house as a tenant; and

(ii) for the purpose of this section the word "tenant" shall include a person who occupies a room or rooms as a lodger only where such room or rooms are let to him in an unfurnished state.

**Local Government Franchise—Women.** Section 4 (3) provides that a woman shall be entitled to be registered as a Local Government elector for any Local Government electoral area—

(a) where she would be entitled to be so registered if she were a man; and

(b) where she is the wife of a man who is entitled to be so registered in respect of premises in which they both reside, and she has attained the age of thirty years and is not subject to any legal incapacity.

For the purpose of this provision, a naval or military voter who is registered in respect of a residence qualification which he would have had but for his service, shall be deemed to be resident in accordance with the qualification.

**Naval or Military Voter.** Section 5 provides that a person to whom this section applies (in this Act referred to as "a naval or military voter") shall be entitled to be registered as a parliamentary elector for any constituency for which he would have had the necessary qualification but for the service which brings him within the provisions of this section.

This section applies to any person who is of the age required under this Act in the case of that person and is not subject to any legal incapacity, and who—

(a) is serving on full pay as a member of any of the naval, military, or air forces of the Crown; or

(b) is abroad or afloat in connection with any war in which His Majesty is engaged, and is—

(i) in service of a naval or military character for which payment is made out of moneys provided by Parliament, or (where the person serving was at the commencement of his service resident in the United Kingdom) out of the public funds of any part of His Majesty's Dominions, or in service as a merchant seaman, pilot, or fisherman, including the master of a merchant ship or fishing boat and an apprentice on such a ship or boat; or

(ii) serving in any work of the British Red Cross Society, or the Order of St. John of Jerusalem in England, or any other body with a similar object; or

(iii) serving in any other work recognized by the Admiralty, Army Council, or Air Council, as work of national importance in connection with the war.

A male naval or military voter who has served or hereafter serves in, or in connection with, the war shall, notwithstanding anything in this or any other Act, be entitled to be registered as a parliamentary elector if that voter at the commencement of service has attained, or during service attains, the age of 19 years, and is otherwise qualified.

**The Qualifying Period.** The "qualifying period" referred to in the Act is defined by Section 6 as a period of six months ending either on the fifteenth day of January, or the fifteenth day of July, including in each case the fifteenth day.

Provided that in the application of this section to a person who is a naval or military voter, or who has been serving as a member of the naval, military, or air forces of the Crown at any time during the said six months and has ceased so to serve, one month from the date of discharge shall be substituted for six months as the qualifying period.

**Qualification of Councillor.** Section 10 provides that a person shall, in addition to, and without prejudice to, any other qualification, be qualified to be elected a



member of the Local Government authority for any Local Government electoral area if he is the owner of property held by freehold, copyhold, leasehold, or any other tenure within the area of that authority.

**Qualification for Election.** By the County and Borough Councils (Qualification) Act, 1914, any person of either sex shall be qualified to be elected, and to be a councillor or alderman of a County Council or of a Borough Council and may be nominated for election as a councillor, if that person has resided within the county or borough, as the case may be, during the whole of the twelve months preceding the election.

This freedom of selection possesses disadvantages as well as advantages. In many cases a representative of a ward in a large municipal area may never visit his electors except at election time. He may be completely out of sympathy with them, and but for the efficiency of the party machine would not have the least chance of being elected. On the other hand, if the choice of candidates were limited to residents within a ward or district the selection would be limited and many able and capable persons would be debarred from active participation in Local Government affairs. It might, however, be suggested that after a certain period, say six years, members of local authorities should be disqualified from re-election for twelve months, and in this way encourage a wider selection of suitable representatives.

**Mode of Elections.** In university constituencies entitled to return two or more members, elections are conducted by the single transferable vote system of proportional representation. In other constituencies, each elector has one or two votes according to the number of members to be elected, and in a two-member constituency cannot give more than one vote to any

one candidate. Lord Parmoor has introduced a Bill to extend this system to local authority elections.

**Returning Officers' Expenses.** The Representation of the People (Returning Officers' Expenses) Act, 1919, provides that the charges of returning officers at Parliamentary elections (other than university elections) shall be charged and paid out of the Consolidated Fund.

**Minority Representation.** The influence of the minority was at first recognized by the provision of the Cumulative Vote (now obsolete), which was established to secure representation of the minority. The term "plumping" is, however, still used in elections when a voter possessing several votes uses only one. For instance, if four candidates are standing for three seats, a voter having a special interest in one candidate to the exclusion of any of the other three, records only one of his votes, thus refraining from helping any of the other candidates. In recent years the system of the Single Transferable Vote, as advocated by the Proportional Representation Society, has been growing in favour. The system has been introduced into the method of election for the Scottish Education Authorities and for the Irish Local Government authorities and will no doubt be adopted at no distant date in this, as it has been in other countries, both for local and for national elections.

**Voting.** The right to vote rests upon the ownership or occupation of land, houses, or other rateable hereditament and upon residence for a definite period. To vote is a duty and a trust. Consideration may also be given to the question whether the vote should not be forfeited where no reasonable explanation can be given for not exercising the franchise when opportunity offers.

## CHAPTER IV

### THE PARISH

THE original unit of settlement among the Saxons in England was the "tun," or town, which originally meant simply an enclosure surrounded by a wall or hedge. The township, or "tun-scipe," was merely the area claimed by the town.

### THE TOWNSHIP.

This area bore a strong resemblance to the type of organization common to the whole of the earlier settlers of Aryan origin. In all cases there was the system of common husbandry, with the three-field system which existed in many parts of England until the Inclosure Acts. The work of the township was carried on by the groups of householders who made up the population of the township and who carried on the business in the town "moot," or meeting. At this meeting the various officials would be appointed, and the common law would be promulgated. Later, with the rise of the hundred and the shire, the township would send its reeve and four best men to represent it in the courts of the hundred and the shire. With the advent of Christianity and its development under the Saxon Ethelbert of Kent, the work of organization for ecclesiastical purposes followed. Archbishop Theodore of Tarsus accepted the Saxon unit, but applied to it the ecclesiastical term of "parish," from the Greek *paroikia*, the dwelling-place of the priest. In the majority of cases the township and the parish coincided, but in the South, where the population was numerous, two or more parishes

might be formed out of one township; while in the North, where the population was scattered, townships might be combined into one parish under a single priest. A township not included in a parish was known as "extra parochial," and is so termed to this day.

### THE MANOR.

The advent of the feudal system witnessed the rise of the manor. The main idea of feudalism was the dependence of the vassal upon the lord above him, as opposed to the inter-dependence of the members of the co-operative group within the township. Each manor possessed its free tenants and villeins, of whom two at least existed for the purpose of a court-ban, over which the lord presided. In cases where the lord possessed several manors he was represented in each by a resident steward, who held the manorial courts, which possessed jurisdiction both fiscal and criminal. The feudal system possessed many advantages for the tenants, but the protection which it afforded was only purchased by the surrender of the independence which the Saxon system had created. The Court Leet replaced the Town Meeting, and when the ancient liberties were attacked, the priest, who was probably the only educated man in the parish, would gather his congregation together within the church, to discuss with them the plan of campaign against the common foe. At the same time the ecclesiastical affairs of the township would also be discussed. Later on, the meeting-place was changed to the vestry or robing room of the church, and so originated the Vestry Meeting, which still exists for Local Government and ecclesiastical purposes. Meanwhile, the feudal system decayed and the system of Local Government in England became almost extinct, to be revived later with the rise of the Poor Laws in 1601.

As a result of the Local Government Act, 1894, the parish is once more the unit of Local Government. The chaos which existed in 1882 has been replaced by a reduction of authorities and by a simplification of areas, to which reference has been made. The idea of those who were responsible for the passing of the reforms was to establish a popular form of administration for minor local matters, and by establishing the County Councils, under the Local Government Act, 1888, to create an authority with large administrative powers to whom appeal could be made in matters of more importance. For Local Government purposes, the parish means "a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed." The parish is not only the unit of Local Government, but may be considered as the original area for Local Government. Out of it developed the original Parliament.

The Civil Parish is either rural or urban. Any parish which lies within an urban sanitary district is an Urban Parish; all other parishes are Rural Parishes.

There are also Ecclesiastical and Land Tax Parishes, which are not, however, local authorities.

The Rural Civil Parish is subject to the Local Government Act, 1894, and its amendments. It is governed by a Parish Council or a Parish Meeting.

### PARISH MEETING.

The Parish Meeting is an assembly of all the Local Government electors. In parishes with a population below 100, and in those above 100 and below 300 which have not made application for a Parish Council, it is the sole representative authority. Where no Parish Council is elected the following provisions apply. The Parish Meeting is a corporate body with perpetual succession, but without a common seal. There must

be an annual meeting between 1st March and 1st April, and one other meeting during the year. Further meetings may be called at any time by the Chairman or any six electors. Such meetings must not begin earlier than 6 p.m. Each meeting chooses its own Chairman, each elector has one vote, and every question is in the first instance decided by the majority of those present and voting. A minority of not less than one-third of those present or five persons may claim a poll of all the electors in the parish. Such poll must be taken by ballot.

The powers and duties of a Parish Meeting include the triennial election of the Parish Council, the appointment of Overseer, and the control over and approval of the disposal of parish property. It possesses the right of veto in reference to the closing or diversion of any of its highways and to the adoption by the Parish Council of the Adoptive Acts. Its consent is also necessary to enable the Parish Council to levy a rate above 3d. in the £, and to the raising of any loan.

As the Minor Education Authority under the Education Act, 1902, it may appoint two of the managers of a provided school and one of the managers of a non-provided school which serves the area of the parish.

Committees may be appointed by the Parish Meeting for any purpose.

A Parish Meeting may obtain all or any powers of a Parish Council by permission of the County Council, which then issues an order to that effect.

### PARISH COUNCIL.

A Parish Council must be elected in all rural parishes where the population is over 300. If the population is under 300 and over 100 then it may be elected where the Parish Meeting so resolves. If the population is

under 100, then not only must the Parish Meeting so resolve but the consent of the County Council must also be obtained.

The election takes place at the Annual Parish Meeting by show of hands, or by poll when this is demanded. The electors are the Local Government electors of the parish.

**Constitution.** A Parish Council consists of from five to fifteen members as may be fixed from time to time by the County Council. Councillors are elected for three years by the Local Government electors at the Annual Parish Meeting. Councillors must be Local Government electors, or any person, male or female, resident on or before the 25th March of the preceding year within the parish or within three miles of the parish. A casual vacancy may be filled by the Parish Council. Parishes may, by agreement, be grouped under one Parish Council, by an order issued by the County Council. Upon the application of one-tenth of the electors, the County Council may divide a parish into electoral wards, and fix the number of councillors for each ward.

A Parish Council is a corporate body with perpetual succession, but without a common seal. The Chairman may be elected from outside the Council, but must be qualified to be a councillor.

**Meetings.** There is an Annual Meeting on or within seven days of the 15th April, and three other meetings. Other meetings may be called by the Chairman or two councillors. One-third but not less than three members constitute a quorum.

**The Powers and Duties of a Parish Council** may be grouped as follows—

(a) **GENERAL.** The Parish Council appoints Overseers for the parish and may appoint and revoke the appointment of Assistant Overseers. The Parish Council

administers non-ecclasiastical parochial charities. It may appeal against the valuations of its own or any other parish. It may provide a parish room, books, and chest for the safe custody of the records of the parish, and also provide fire engines and fire escapes.

(b) **SANITARY AND HOUSING.** The Parish Council is not a sanitary authority, but may act by arrangement for the Rural District Council within whose area it is situated. It may utilize any water in the parish for purposes of water supply and take measures to prevent the spread of danger from stagnant water or refuse. The Parish Council can also make representations to the Medical Officer of Health under the Housing of the Working Classes Acts.

(c) **HIGHWAY.** The Parish Council may maintain and repair footpaths, maintain rights of way, veto stopping or diversion of highways.

(d) **EDUCATION.** It may be a Minor Education Authority with powers similar to those of a Parish Meeting.

(e) **LAND.** The Parish Council may purchase land for the following purposes: public offices, recreation grounds, rights of way, fire stations, baths and wash houses, burial grounds and libraries.

(f) **SMALL HOLDINGS AND ALLOTMENTS.** It may provide allotments, and for that purpose may, with the consent of the County Council, hire land compulsorily for a period of from seven to thirty-five years.

(g) The Parish Council may, if approved by the Parish Meeting, administer the Parochial Adoptive Acts (described in Chapter XV).

**Officers.** The officers are Clerk and Treasurer. The former may be a member appointed without remuneration or an assistant overseer, collector of



rates, or other fit person who may be appointed at a salary.

**Rates.** The Parish Council cannot directly levy a rate. The expenditure is met by precepts on overseers. It is limited to an amount not exceeding a rate of 3d. in the £, or, with the approval of the Parish Meeting, 6d. in the £, *exclusive* of expenditure under the Adoptive Acts.

Loans may be raised, subject to the approval of the Parish Meeting and County Council, to an amount not exceeding one-half the assessable value.

**Accounts.** The accounts of a Parish Council are made up yearly to the 31st March, and are audited by the District Auditor of the Ministry of Health. (See Chapter X.)

**Promotion of Parish Council to a District Council.** Although the Parish Council was originally intended for the administration of rural areas, there are certain parishes with populations of several thousands governed by Parish Councils. Such parishes should be under District Councils and the change in constitution may be effected as described in Chapter V.

## RIGHTS OF ELECTORS.

Every Local Government elector of a rural parish may, at all reasonable times, without payment, inspect and take copies of and extracts from all books, accounts, and documents belonging to or under the control of the Parish Council of the parish or parish meeting.

## SCOTLAND AND IRELAND.

There are no Parish Meetings in Scotland or Ireland. The Parish Council in Scotland is the equivalent of the Board of Guardians in England and Wales. There are no Parish Councils in Ireland.

### THE URBAN PARISH.

There are no Parish Councils or Meetings in Urban Parishes, the functions of Local Government being performed by the Borough or Urban District Councils. Up to 1894, the Vestry possessed both civil and ecclesiastical powers. Except in a few cases, it is now only concerned with the election of churchwardens, the making of voluntary Church rates, and other ecclesiastical matters. The Vestry Meeting of the inhabitants and ratepayers of the parish is still held in urban areas where the Urban District Council or Borough Council has not obtained the powers of the Vestry under the Local Government Act, 1894. The powers of the Vestry Meeting include nomination for appointment of overseers ; appointment and revocation of assistant overseers ; appointment of salaried Vestry Clerk if population is 2,000 ; approval of expenditure of money for the preparation of Valuation Lists or Supplementary Valuation Lists ; appointment of Burial Board (where the Burial Acts, 1852 to 1906, have been adopted by the Vestry). It may issue an Order rating owners instead of occupiers under the Poor Rate Assessment and Collection Act, 1869.

In certain parishes a Select Vestry exists either customary or under Hobhouse's Act, 1831. It is elected by ballot, each ratepayer having one vote. The select vestrymen must be resident householders with a rating qualification. They are elected for three years, one-third retiring annually. The rector, or other incumbent, and the churchwardens are *ex-officio* members. The powers have been largely transferred to the Boards of Guardians in accordance with the Local Government Act, 1894, but the title of Select Vestry is still retained by some parishes.

## THE ECCLESIASTICAL PARISH.

Although the Ecclesiastical Parish is now of slight importance in the sphere of Local Government, the past few years has witnessed the introduction of radical changes in the administrative life of the Church itself.

The National Assembly of the Church of England (Powers) Act, 1919, confers increased privileges on the laity and provides for the institution of a Parochial Church Meeting, a Parochial Church Council, and a National Assembly of the Church of England. Many anomalies have been swept away, but a parishioner who is not a member of the Church of England may still attend the Easter Vestry and vote in the appointment of the wardens and also in financial matters.

The incumbent still retains certain civil functions. He is the registrar of baptisms and marriages, and is responsible for the registration of all burials which take place in his churchyard. He has the custody of the church, the freehold of which, as also of the glebe and churchyard, is vested in him.

The churchwardens of the parish are usually two—one nominated by the vicar and one elected by the parishioners. Their duty is to keep the church and churchyard in proper repair and to keep order during divine service. They must render an annual statement of accounts to the Easter Vestry and also to the Ministry of Health of any moneys collected by a compulsory rate and also their expenditure of such moneys. In modern times the duties of the churchwardens have become more diversified—their duties as anciently defined being long ago outgrown.

## CHAPTER V

### THE DISTRICT

THE District is the Local Government unit for public health and highway purposes. In Saxon times the local unit next above the parish was the Hundred, an institution found under various names all over Western Europe. This is thought to have been the ancient "run" of a pastoral group, or clan, out of which, as agriculture developed, sub-settlements of agricultural villages, or townships, were created. At the very dawn of English history we find as a well-established institution the attendance of the village representatives ("reeve, priest, and four men") at the Hundred moot. This is often spoken of as the first example of political representation in England.

### DISTRICT COUNCILS.

The District is governed by an Urban or a Rural District Council, in accordance with the Local Government Act, 1894.

This division into urban and rural areas was made under the Public Health Act, 1872, which divided the country into Urban and Rural Sanitary Districts and constituted the Boards of Guardians the Rural Sanitary Authority in rural areas and the Borough Councils and Local Boards in urban areas. Since the Local Government Act, 1894, the Boards of Guardians are no longer a sanitary authority for any area.

The borough, being an urban area, has its public health and highway work under the control of the Borough Council.

**Establishment of District Council.** When a County Council is satisfied that a *prima facie* case has been made out for the creation of an urban district, it may hold an inquiry and make an order in accordance with Section 57 of the Local Government Act, 1888, and Section 54 of the Local Government Act, 1894. This can best be done by means of a memorial from the Parish Council to the County Council.

**Constitution of District Council.** The number of councillors varies, but there must be at least one councillor for each parish of 300 population. Such councillors are elected for three years from 15th April, in the year of election, by the Local Government electors. As a rule, one-third retire annually, but acting upon a resolution passed by two-thirds of the members present at a meeting of the District Council, the County Council may order that all the district councillors shall go out of office together in every third year. The voting at the election for district councillors is by ballot, and each elector has one vote for each of any number of councillors to be elected. The election is conducted under rules made by the Ministry of Health. Each candidate must be nominated in writing on a form which must be returned to the Clerk of the District Council, who is the Returning Officer.

*Councillors* must be Local Government electors or resident for at least twelve months, in the case of the urban district, *within the district*, or in the case of the rural district, *within the Poor Law union* of which the district forms a part. A rural district councillor is also a member of the Board of Guardians of the union within which the district is situate. Where, therefore, a union consists solely of rural parishes, the Board of Guardians and the Rural District Council will be composed of exactly the same people. It must be borne in mind,

however, that the Board of Guardians is always a distinct body. The area for the election of district councillors may be a parish, a union of parishes, or parishes divided into wards as approved by the County Council. A district may be divided into wards under an order issued by the County Council. If any district councillor is absent from all meetings of the Council for more than six months, except through illness or for some other good cause approved by the Council, he vacates his seat. A rural district councillor absent from the meetings of the Board of Guardians for six months also vacates his seat.

Women, married or single, are eligible for election as district councillors, if otherwise qualified.

The District Council is a corporate body with perpetual succession and a common seal, and may hold land for the purposes of its powers and duties without licence in mortmain.

The Chairman is elected by the councillors and may be elected from outside the councillors, but must be qualified to be a councillor. Unless personally disqualified by any Act, the Chairman is, by virtue of his office, a Justice of the Peace for the county.

**Meetings.** The District Council, being the sanitary authority, must meet at least once a month. Other meetings may be called by the Chairman and any two councillors. One-third but not less than seven members constitute a quorum.

The size and boundaries of districts still depend mainly on the areas of antecedent Poor Law unions and sanitary authorities.

**The Differences Between an Urban and a Rural District Council.** An Urban Council has necessarily greater sanitary powers. Urban areas and particularly boroughs are very different from rural areas, for masses

of human beings, when living in a limited space, create more nuisances than the scattered inhabitants of a rural area.

Rural district councillors represent each his own parish on the Board of Guardians of the union within which his district is situated. Guardians as such are not now elected for any parish in a rural district.

As no paid Poor Law officer may be a guardian, a person holding such an office cannot become a rural district councillor.

The County Council has power to fix or alter the number of rural district councillors for each parish, and may add parishes together or divide them into wards.

Rural district expenditure is met by a precept on the overseers of the parishes within the district, and are included in the Poor Rate. Agricultural land, railways, canals, and tithes are exempt to the extent of three-fourths of their value in urban districts for general purposes and in rural districts for special purposes only. In urban districts the Council levies and collects a General District Rate.

The Ministry of Health may confer on a Rural District Council all or any of the powers of an urban authority.

The Council of an urban district with over 20,000 population is the Local Education Authority. In urban districts with a population below this number, and in all rural districts, the educational work is controlled by the County Council.

**Committees.** District Councils may act to a great extent through Committees, which need not consist exclusively of members of the Council. No District Council can delegate to a Committee the power to levy a rate or raise a loan. The proceedings of a Committee are subject to confirmation by the appointing Council.

**Powers and Duties** may be divided under three heads, viz., those common to Urban and Rural District Councils; those applicable to Urban District Councils only; and those applicable to Rural District Councils only.

**POWERS AND DUTIES COMMON TO URBAN AND RURAL DISTRICT COUNCILS** include—

(a) *Public Health functions under various enactments* as described in Chapters XI to XIV.

(b) *Highway Powers.* District Councils have supreme control of all highways except those main roads which are vested in the County Council; Urban District Councils manage all streets and highways within their districts. District Councils are required to protect all public rights of way, and to protect the roadside wastes from encroachment. Any District Council may acquire land for allotments, and may aid persons in maintaining rights of common.

(c) *Powers under the Housing and Town Planning Acts.*

(d) District Councils have power to make by-laws, subject to the approval of the Ministry of Health.

(e) *Miscellaneous powers* include the power, duties and liabilities of Justices out of session, including the granting of certain licences to gang masters, pawn-brokers, dealers in game, passage brokers, and emigrant runners. The District Council also possesses the powers and duties of Quarter Sessions in relation to the licensing of knackers' yards within the district.

**POWERS APPLICABLE TO URBAN DISTRICT COUNCILS ONLY** include certain public health functions relating to urban areas, including the issue of Stocks under Part V of the Public Health Acts Amendment Act, 1890. The Council may be the Minor Education Authority and has power, irrespective of population, to aid or supply education other than elementary.



An Urban District Council possesses the right to adopt the Parochial Adoptive Acts as enumerated in Chapter XV, including power to provide allotments, and may undertake within statutory limits the management of trading undertakings.

Where the population is 20,000 or over, the Urban District Council is the authority under the Old Age Pensions Acts, 1908 to 1920 ; the National Health Insurance Acts, 1911 to 1921 ; the Shops Acts, 1912 and 1913 ; and is the Elementary Education Authority in accordance with the Education Act, 1902.

Where the population is 25,000 or over, the Urban District Council may petition for the appointment of a Stipendiary Magistrate under the Stipendiary Magistrate Act, 1863.

Where the population is 50,000 or over, the Urban District Council is the authority under the Unemployed Workmen Act, 1905 ; and may appoint a Distress Committee for its district. The Council may set up a Local Committee under the Naval and Military War Pensions, etc., Acts, 1915 to 1917.

An Urban District Council has power to apply for a Charter of Incorporation, under the Municipal Corporations Act, 1882, but cannot incur any expense in connection therewith. In the event of the Charter being granted the new Corporation may pay the expenses out of the Borough Fund. In practice the expenses are met temporarily under a Guarantee Fund.

POWERS AND DUTIES APPLICABLE TO A RURAL DISTRICT COUNCIL ONLY include powers under the Public Health (Water) Act, 1878. Under this Act it is the duty of the Rural District Council to provide or require provision of sufficient water supply for every occupied dwelling-house within their district. It possesses power to delegate sanitary duties to the

Parish Councils within its area. It may obtain such urban powers, described above, as may be granted to it under Provisional Order issued by the Ministry of Health.

If boundaries are co-extensive with a parish, a Rural District Council will possess the powers and duties of a Parish Council. It has the power to apply to the County Council to become an Urban District Council.

**Officers.** The officers elected by a District Council include Medical Officer of Health, Inspector of Nuisances, and Surveyor. The offices of Inspector of Nuisances and Surveyor may be held by the same person. The appointment of the Medical Officer of Health and Inspector of Nuisances is subject to the approval of the Ministry of Health.

The Medical Officer of Health must be a legally qualified practitioner with special additional qualifications. He is required to be the sanitary adviser of the Council, to keep them informed of the health of the district, to supervise the proceedings and have all the powers of the Inspector of Nuisances. He is required to make an Annual Report and special reports (if necessary) to the Ministry of Health on the health and sanitary conditions of the district. If such reports are satisfactory, one-half of his salary and that of the Inspector of Nuisances is refunded from the Exchequer Contribution Account. The Inspector of Nuisances is required to search out and report on all nuisances prejudicial to health, and, under instructions, to take proceedings for their abatement. He is required to make reports to the Medical Officer of Health, to procure samples of food for public analysis, to inspect, condemn, and seize any food exposed for sale which appears to be unfit for human consumption.

The Ministry of Transport Act, 1919, Section 17 (2)

provides that the Minister may, by agreement with the local authority, defray half the salary and establishment charges of the engineer and surveyor to a local authority responsible for the maintenance of such roads, subject to the condition that the appointment, retention, and dismissal of such engineer or surveyor, and the amount of such establishment charges, shall be subject to the approval of the Ministry.

In urban districts, the Clerk and Treasurer are specially appointed, but, in rural districts, the Clerk and Treasurer of the Board of Guardians act in that capacity. It is specially provided that no one individual may in any way, wholly or partially, combine the duties of Clerk and Treasurer of a sanitary authority.

A Collector of the General District Rate is appointed in urban districts only.

Every district has power to employ such other officials, expert or clerical, as the Council considers necessary in its particular circumstances.

**Rates.** Any Urban District Council can levy and collect a General District Rate to defray expenses which the District Fund is insufficient to meet. The expenses included in such a rate comprise all those expenses incurred by an Urban District Council which are not either by established custom or the express provisions of some statute, payable out of a special fund. The General District Rate is assessed and levied by the Council upon the basis of the Poor Rate, and is published, both before and after making, in a similar manner.

A Rural District Council cannot levy a rate, but meets its expenditure by precepts upon overseers of the "contributory places" within its district.

This expenditure of a rural district must be divided into—

GENERAL EXPENSES, which benefit the inhabitants

generally, including establishment charges, salaries of officials, disinfection, etc. These are paid out of a "common fund" raised equally from each contributory place in proportion to its assessable value. The general expenses of a rural district are assessed upon all rateable properties in proportion to full net annual value, except agricultural land, which is assessable in proportion to one-half only of its net annual value.

**SPECIAL EXPENSES**, which benefit a particular contributory place. Every precept directed by the Rural District Council to the overseers of a contributory place must specify whether the sum demanded is on account of general or special expenses.

There is a difference between urban and rural districts, inasmuch as the general expenditure in the urban district is defrayed out of the General District Rate, to which land used for agricultural purposes, or as a railway, or canal, and tithes, is assessable in proportion to one-fourth only of its net annual value. The Compounding Allowances to owners also differ.

Any district may levy and collect a Private Improvement Rate, which is a rate imposed under Section 157 of the Public Health Act, 1875, or Private Street Works Act, 1892, upon the occupier or owner of premises in respect of which the expenses which the rate is designed to meet have been specially incurred. Such an expense may be in respect of sewers, drains, water supply, paving or similar works.

**Loans** for sanitary works of a permanent character may be raised, repayable within a period not exceeding 60 years. The total outstanding loans must not exceed one year's assessable value of the district, or, if approved after local inquiry by the Ministry of Health, two years' assessable value.

**Accounts** are made up, in the case of urban districts,

yearly to the 31st March, and in the case of rural districts, half-yearly to the 31st March, and the 30th September. The accounts of all District Councils are audited by the District Auditor of the Ministry of Health.

#### RIGHT OF ELECTORS.

Every Local Government elector of a parish in a *rural* district may, at all reasonable times, without payment, inspect and take copies of and extracts from all books, accounts, and documents belonging to or under the control of the District Council of the district. This does not apply in an *urban* district, where, however, "interested persons" may inspect the accounts seven days prior to audit or during audit.

#### SCOTLAND AND IRELAND.

There are no Urban or Rural District Councils in Scotland but in rural areas District Joint Committees. Urban and Rural District Councils exist in Ireland as in England and Wales.

## CHAPTER VI

### THE BOROUGH

THE Borough as at present constituted is probably the oldest Local Government authority. The development of craftsmanship gave rise to the growth of towns, or compact centres of population, engaged mainly in industrial pursuits, though their inhabitants also carried on the more primary and indispensable work of cattle-rearing and agriculture as by-industries. We find, after this, the gathering together of the "gilds" in the town resulting in a new social development, viz., the city or self-governing municipality—the borough in the modern English sense.

### HISTORY OF THE BOROUGH.

Long before the Norman Conquest we get traces of the "burh," or fenced homestead, from which both the character and the name of the modern borough are derived. Thus, while the "tun," or the village, was the hedged or stockaded place, the "burh" was the strong or fortified place.

Facilities for the exchange of goods often led in Anglo-Saxon times to the development of the borough. Thus, as time went on, exemption was granted from the jurisdiction of the Hundred court in Norman times, but the servile taint clung around the ancient cities, which preserved their historic unity at the cost of tallage (a stigma of serfdom), which could be levied by the lord as often as he wished. Naturally the burgesses endeavoured to escape this liability to indefinite tallage by agreeing to pay a fixed sum annually. Very often

such a payment and any other privileges obtained from over-lord or king would be solemnly recorded in a Charter, which was simply a parchment scroll, in which, in return for the annual payment, the King or lord granted the borough freedom from all other claims and the uses of certain privileges of unreclaimed serfs in a borough, carefully specified in the Charter. Thus, for example, the Charter which Welspool borough received from the feudal lord of the manor, in 1406, confirmed and extended the privileges of the borough's first Charter from a Prince of Powis in 1263.

Thus the country became dotted with chartered towns, for there was no uniform principle in the development of towns. The general policy of the Crown was to strengthen the towns as a counterpoise to the power of the nobles, and gradually to secure the exclusion of the local lord. Trade guilds also acquired important powers over town matters. The Restoration resulted in an attack on the power of boroughs, and as a result of Judge Jeffreys' tour the boroughs became centres of elaborate corruption, and the "freedom of the borough" was synonymous with political corruption.

The political abuses which were swept away by the Reform Act of 1832 resulted in the appointment of a Royal Commission in 1833, and its report constituted the basis of the Municipal Corporations Act, 1835, the great charter of English municipal liberty. About fifty amending Acts were passed between 1835 and 1882, and are now codified in the Municipal Corporations Act, 1882, and its various amendments.

The Parliamentary Borough is now merely an electoral division, and is in no way connected with municipal matters. The boundaries are rarely identical with those of the municipal borough, and the franchises are different, necessitating separate lists of voters. It should be

noted that the Representation of the People Act, 1918, has done much to bring the boundaries into line, and there is now a closer relation than formerly between the two areas.

A Municipal Borough means any place for the time being subject to the Municipal Corporations Act, 1882, and the Amending Acts.

### ESTABLISHMENT OF A BOROUGH.

A Municipal Corporation is constituted by the grant of a Charter of Incorporation. The Charter can only be granted after a petition to the King by the inhabitant householders of a town, who advise the Ministry of Health and the County Council of the petition. The petition is prepared by an Incorporation Committee, as referred to in the previous chapter. The necessity for new municipalities is caused by the very great increase in urban population and the desire for more self-government. There is no standard of population, rateable or assessable value necessary for a town to possess, before applying for a Charter of Incorporation. The King refers the petition to the Privy Council, which appoints a small Committee from its number to report. This Committee instructs an Inspector, who holds a local inquiry, at which the scheme for the creation of the new borough is presented. At the inquiry evidence is taken both for and against the scheme. Should the Inspector report unfavourably the movement must lapse until a more favourable opportunity presents itself. Should the Inspector report favourably upon the petition, he drafts a scheme for incorporating the new borough. The scheme is published in the *London Gazette*, and, if unopposed, within one month, an Order in Council is issued granting the Charter and prescribing the boundaries of the borough, the number of councillors



and other similar matters. Within the same period, opposition may be lodged either by any local authority or by one-twentieth of the owners or ratepayers. In such an event, an Act of Parliament would be necessary before the borough could be created.

The borough is the highest form of local government, having privileges which other local authorities do not possess, but at the same time possessing certain disadvantages. Advantages claimed include the added dignity of Mayor as legal head of the municipality, continuity of policy by the aldermanic system, the legislature recognizing its independence, e.g. having a local education authority under the Education Acts, where the population is 10,000 instead of 20,000 in the urban district. The borough possesses higher powers and duties, e.g. separate police force, commission of the peace, stipendiary magistrate, etc., powers as a county borough, power also to make by-laws for the good rule and government of the borough.

Disadvantages urged include the increase of rates with dignity and importance, the loss of district audit with power of surcharge and disallowance, while the aldermanic system is considered undemocratic. There is more exclusiveness in administration with a loss of interest in County affairs.

A borough is governed by a Municipal Corporation, which enjoys perpetual succession and a common seal. The root idea of a Corporation is that it is a body of individuals acting together for a common purpose, and having a legal existence apart from the individual legal existence of its members.

**Constitution.** A Municipal Corporation means the body corporate constituted by the incorporation of the inhabitants of a borough. It consists of the mayor, aldermen, and burgesses.

A burgess is a person enrolled upon the Local Government register of electors for the borough, as described in Chapter III.

The privileges of burgesses include the right to vote at elections for borough councillors and elective auditors. In a non-county borough they also vote for members of the County Council. In all boroughs the burgess has the right to vote for election of members of Parliament and for the local Board of Guardians.

The duties of burgesses include serving upon juries and the holding of corporate office such as mayor, alderman, councillor, or elective auditor. Anyone refusing office is liable to a fine.

**Council.** A Municipal Corporation is capable of acting by a Council, consisting of the mayor, aldermen, and councillors.

*Councillors* are elected by ballot for three years on 1st November, in the year of election, by Local Government electors of the borough. The councillors must be either—

(a) Qualified Local Government electors; or

(b) Persons possessing property in the borough : (i) valued £1,000 or rated at £30 per annum, if there are four or more wards in the borough; and (ii) valued £500 or rated at £15 per annum, if there are less than four wards in the borough; or

(c) Person of either sex if that person has resided within the borough during the whole of the twelve months preceding the election.

A person is disqualified for being elected and for being a councillor, if and while he is an elective auditor, or holds any office or place of profit, other than that of mayor or sheriff, in the gift or disposal of the Council; or is in holy orders or the regular minister of a dissenting congregation; or has directly or indirectly,

by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of, the Council. Exception is made in the case of contracts relating to land, loans, newspapers, and shares in limited companies and industrial and provident societies.

The number of councillors is regulated by the Charter, but may be amended by the Ministry of Health. There are usually three councillors to each ward, one of whom retires annually from each ward. The election is conducted on the model of a Parliamentary election in accordance with the Ballot Act and the Corrupt and Illegal Practices Act.

*Aldermen* are elected by the councillors from among the councillors or persons qualified to be councillors and hold office for six years. Election is on the 9th November, and is conducted by open voting papers handed in to the chairman of the meeting. One-half of the aldermen retire every three years. The number is one-third the number of councillors. The only additional function of an alderman is in the case of a borough divided into wards to act as returning officer at the election of councillors for the ward to which such alderman has been assigned by the Council.

*The Mayor* is elected on the 9th November by the councillors and non-retiring aldermen from among the Council, or from persons qualified for election as councillors. Election is for one year. The mayor may receive a salary, and may be re-elected. In certain cities the mayor possesses the title of "Lord Mayor." By virtue of his office, the mayor is chairman of all meetings of the Council, and for one year afterwards he is a Justice of the Peace for the borough. If the borough does not possess a separate Commission of the Peace then the mayor is a Justice of the Peace for the county. Where there is a separate borough police

force, the mayor is also a member of the Watch Committee, which is appointed to control the force. The mayor may appoint, in writing, a member of the Council to act as mayor deputy.

**Meetings.** The meetings held by a Municipal Council include four quarterly meetings as a Borough Council, and twelve monthly meetings as an Urban Sanitary Authority. Other meetings may be summoned by the mayor, or any five members of the Council.

**Committees.** The work of a Municipal Council is principally transacted by Committees, which are mainly appointed from among members of the Council. Some Committees are compulsory, as in the case of a Watch Committee, Education Committee, and Old Age Pensions Committee. With certain exceptions, the acts of every Committee must be submitted to the Council for its approval. Committees do not possess the power to levy a rate or raise a loan.

**The Powers and Duties** of a Borough Council may be divided into two main divisions, viz.—

(1) As a municipality under the Municipal Corporations Act, 1882, and its amendments.

(2) As an Urban Sanitary Authority possessing the powers and duties described in Chapters XI to XIV.

As a municipality under the Municipal Corporations Acts it is responsible for the acquisition and management of the Corporate Estate, administration of justice, the work under the inebriate, reformatories, diseases of animals, weights and measures, sale of food and drugs, and other Acts. Borough Councils can also make by-laws for the good rule and government of the borough.

(3) As an authority under the Adoptive Acts, as described in Chapter XV, it may undertake work for the moral and social improvement of the town.

(4) The management of trading enterprises, as

described in Chapter XVI, constitutes also an important part of the work of many municipalities.

(5) A Borough Council is also the authority to undertake additional functions prescribed by general or local Acts of Parliament, e.g. Shop Acts, 1912 and 1913 ; and the Naval and Military War Pensions, etc., Acts, 1915 to 1919.

**Officers.** The Officers include the town clerk. A solicitor or barrister is usually appointed, although it is not necessary that the town clerk should be thus qualified. The town clerk holds office at the pleasure of the Council and receives the salary agreed upon between the parties. The Council may appoint a deputy, and in the event of the death or resignation of the town clerk and there being no deputy, the mayor is required to nominate in writing a suitable person to act until the office is again filled.

The treasurer, who must not be the town clerk, is sometimes a full-time officer, and in certain boroughs the manager of a local bank is appointed. The clerk and treasurer must not be business partners. The appointment of these two officials must be under seal.

The usual officers required by an Urban Sanitary Authority as described in Chapter V are also appointed, and such other officers as the Council thinks necessary.

## RIGHTS OF ELECTORS.

The minutes of the proceedings of the Council shall be open to the inspection of a burgess on payment of a fee of one shilling and a burgess may make a copy thereof or take an extract therefrom. A burgess may make a copy of or take an extract from an order of the Council for the payment of money. The treasurer's accounts shall be opened to the inspection of the Council, and a member of the Council may make a copy thereof or take an extract therefrom. The abstract of the treasurer's accounts shall be open to the inspection of

all the ratepayers of the borough, and copies thereof shall be delivered to a ratepayer on payment of a reasonable price for each copy.

The Borough Funds Acts, 1872 and 1903, provide that a public meeting of the electors of the borough must be held in all cases where the Council is promoting a Bill in Parliament for the purpose of considering the promotion of the Bill. At the meeting a resolution is submitted in favour of the promotion of the whole of such Bill, or if the meeting requests resolutions in favour of the promotion of any part or parts or clause or clauses of the Bill, may be put separately. These Acts apply also to Urban District Councils.

### **BOROUGH FINANCE.**

The receipts of a borough for Borough Fund purposes are obtained by tolls, dues, fees, rents, etc., improvements to private property, receipts from municipal undertakings, such as gas, water, tramways, etc., and Exchequer contributions.

The **Borough Rate**, to meet the deficiency of the Borough Fund, together with requirements for education, is usually levied and collected by the overseers under the precept issued by the Council. Generally speaking, the Council adopts the Poor Rate valuation, but it may order an independent valuation to be made.

The **General District Rate**, as described in the previous chapter, is both levied and collected by the Borough Council to meet the cost of services as the Urban Sanitary authority.

Certain boroughs have a Consolidated Rate (all rates being collected on the one demand note) under special Acts of Parliament. This method has much to commend it, and is referred to in the chapter on Rating.

**Loans** may be raised for borough purposes to meet

special expenditure upon works of a permanent character. They must be repaid within a period not exceeding 30 years. Other loans may be raised and repaid as prescribed by the respective enactments. Money may be raised by the issue of Stocks under Part V of the Public Health Act, 1890, under the Local Loans Act, 1875, and under local Acts.

**Accounts.** The Treasurer's Accounts are made up half-yearly to such date as the Council, with the approval of the Ministry of Health, may decide. The dates are usually, but not invariably, the 30th September and the 31st March. Accounts are audited, unless there are provisions to the contrary, by the Borough Auditors, i.e. two elective auditors elected by the burgesses on 1st March from among persons qualified to be, but not being, members of the Council; together with the mayor's auditor, who is a member of the Council nominated by the mayor. Borough Auditors have no power of disallowance or surcharge.

This system of audit does not apply to accounts under the Education Acts, the Unemployed Workmen Act, and the Housing Acts, all of which are audited by the District Auditor of the Ministry of Health. The checking of the police claims is now also carried out by the District Auditor.

Some boroughs have a professional auditor in addition to the Borough Auditors, while others have an audit by the District Auditor in lieu of the Borough Auditors.

A full abstract of the accounts must be published yearly, and must be purchasable at a reasonable price. The town clerk must make a yearly return of the accounts to the Ministry of Health.

## SPECIAL TYPES OF BOROUGHES.

**Boroughs Possessing Judicial Functions.** Special types

of boroughs exist, including boroughs possessing judicial functions and boroughs possessing special functions according to population. Most boroughs now have a separate Commission of the Peace at which the Borough Magistrates preside. Two or more magistrates acting together constitute a Court.

Such boroughs must appoint a Clerk to the Borough Justices. He is generally a trained lawyer, and the Justices, when judging difficult cases, depend very largely upon his advice.

Every borough with a separate Commission of the Peace is a separate licensing division for liquor licences.

A salaried magistrate, called a Stipendiary Magistrate, may be appointed in any municipal borough which has a separate Commission of the Peace. The method of appointment is described in the following chapter.

Boroughs having a separate Court of Quarter Sessions possess a salaried Recorder. He is appointed by the Crown from barristers of five years' standing, and holds office during good behaviour. They also have a Clerk of the Peace, and (except in a quarter sessions borough with a population of less than 10,000 in 1881, or a borough receiving a separate Court of Quarter Sessions since August, 1888) a Coroner, who must appoint a deputy. The Court of Quarter Sessions is not held by the Justices as in a county, but by the Recorder acting as sole judge.

Certain boroughs have also Courts of Civil Jurisdiction, which are survivals of ancient institutions. Such are the Tolzey Court of Bristol, the Salford Court of Record, and the Liverpool Court of Passage. Unless there is a local Act of Parliament to the contrary, the Recorder of the borough acts as judge. The Court, in at least one instance, possesses powers equivalent to those of the High Court of Justice within its area of jurisdiction.



**Boroughs Possessing Special Functions According to Population.** Where there is a population of 10,000 inhabitants and over, the Borough Council is the authority under the Police, Diseases of Animals, Weights and Measures, and Food and Drugs Acts, and is the Elementary Education Authority under the Education Act, 1902.

Where there is a population of 20,000 inhabitants and over, the Borough Council is the Local Pension Authority under Old Age Pensions Acts, and also possesses power to apply for a separate police force. Boroughs having a population of over 10,000 in 1881, and other new boroughs with a population of over 20,000, may maintain a police force of their own at their own expense. The police force is under the control of the Watch Committee of the Council. Justices may appoint special constables to assist the regular police. The expenses of the police force are usually paid out of the Borough Fund. If the force is certified to be efficient by the Home Office one-half of the net expenses of the Watch Committee are paid by Government Grants.

Where there is a population of 25,000 inhabitants and over, the municipal borough has power to petition the Home Secretary to appoint a Stipendiary Magistrate under the Stipendiary Magistrates Act, 1863.

Where there is a population of 50,000 inhabitants and over, the Borough Council may apply to the Ministry of Health to be created a county borough. County boroughs were created by the Local Government Act, 1888. They consist, with a few exceptions, of boroughs having a population of not less than 50,000 for their own areas. They have most of the powers of a County Council. They are almost entirely exempted from the jurisdiction of the County Councils of the counties

in which they are situated. New county boroughs may be created by Provisional Order issued by the Ministry of Health.

Boroughs with 50,000 population are the Local Education Authority under the Education Act, 1902, and the Authority under the Unemployed Workmen Act, 1905. They have power to appoint members upon the National Health Insurance Committee, and are required to appoint a Local Committee under the Naval and Military War Pensions, etc., Acts, 1915 to 1917, as well as representatives on Territorial Associations under the Territorial and Reserve Forces Act, 1907.

Certain cities and towns, by ancient privilege, are counties in themselves, such as those possessing a separate Commission of the Peace, Court of Quarter Sessions, and a High Sheriff. The High Sheriff is appointed on 9th November each year, and acts independently of the High Sheriff for the county.

**Freemen.** Freemen are persons entitled to be admitted in accordance with the Municipal Corporations Acts in respect of birth, servitude, or marriage, and who are admitted by the mayor and enrolled by the town clerk on the Freeman's Roll. They have now lost all place in municipal government. They still have, however, certain rights in a share of corporate property and municipal charities which existed prior to the reforms of 1835.

Honorary Freemen are persons of distinction who have been admitted under the Act of 1885 to the Freedom of the Borough. As Freemen they possess no qualifications to become burgesses.

## SCOTLAND AND IRELAND.

Burghs exist throughout Scotland, and boroughs exist in Ireland. Their constitution, powers, and duties are described in the respective chapters on the subject.

## CHAPTER VII

### THE JUSTICE OF THE PEACE

THE office of Justice of the Peace is one of great antiquity, dating from the time of the origin of the "King's Peace," which the Justice is commissioned to preserve. When he was first appointed, he was solely an executive officer and by later legislation he became a judicial person.

The Justice of the Peace is appointed by the Crown on the nomination of the Lord-Lieutenant of the County to the Lord Chancellor. The Lord Chancellor is in no wise bound to follow any such nomination, and may himself appoint Justices without any nomination whatever. In the Counties Palatine, the Chancellor of the Duchy recommends and appoints for the Crown.

There have recently been established Local Advisory Committees for the purpose of assisting the Lord Chancellor in these nominations. These consist of representative public men drawn from all political parties.

Certain boroughs possess a separate Commission of the Peace.

Justices of the Peace are unpaid. Appointment is for life, so long as they retain the necessary qualifications.

#### QUALIFICATIONS.

While acting as such, Justices of the Peace must reside in, or within seven miles of, the district, or occupy a house or warehouse or other property in that district. Justices may, however, be removed from the Commission by the Crown for good cause shown.

By the Justices of the Peace Act, 1906, all property qualifications were abolished.

There are certain *ex-officio* Justices, viz.—

(a) The mayor of a Borough is a Justice of the Peace for his year of office and for twelve months afterwards.

(b) The chairman of a Rural or Urban District Council is, unless personally disqualified, a Justice of the Peace for the county within which his district is situated.

(c) The chairman of a County Council is a Justice of the Peace for the county.

The Sex Disqualification (Removal) Act, 1919, with certain provisos, removes the disqualification of a person either by sex or marriage from the exercise of any public function, or from being appointed to or holding any civil or judicial office or post, or from entering or assuming or carrying on any civil profession or vocation or for admission to any incorporated society (whether incorporated by Royal Charter or otherwise), and provided that a person shall not be exempted by sex or marriage from the liability to serve as a juror.

Justices of the Peace in counties, for purposes of convenience, act for the Petty Sessional Division within which they reside. This area appears to date from 1541, when the Justices of every county were directed to divide themselves according to "Hundreds, Wapentakes, Rapes, Commotes, or Number of Towns and Villages," assigning at least two of their number to each division, and holding frequent sessions therein, in addition to their "ancient Quarter Sessions" for the whole county. The Petty Sessional Division is, primarily, a division of a judicial county made by the Justices of the Peace for that county when assembled in Quarter Sessions, and is alterable every three years. The Justices "acting in and for" a Petty Sessional

Division elect their own chairman. In a borough, the mayor takes precedence over all borough justices.

### POWERS AND DUTIES.

The general powers of the Justices of the Peace are principally contained in the Indictable Offences Act, 1848, and the Summary Jurisdiction Acts, 1848 and 1879. The Summary Jurisdiction Acts have been amended in some respects by the Criminal Justice Administration Act, 1914. One Justice, sitting alone, can deal with certain minor offences, e.g. simple drunkenness, but cannot impose a higher penalty than 20s. or sentence to imprisonment for more than 14 days. He can also hear evidence in certain serious cases and commit the accused for trial by a jury at Assizes or Quarter Sessions. Two Justices, sitting together, form a Court of Summary Jurisdiction, which has power to deal summarily with a large number of cases, mainly criminal, but some, i.e. in disputes between employers and servants, of a civil nature.

In addition to their judicial functions, Justices of the Peace have various duties relating to Local Government, including the following—

1. Control of persons possessing licences and of premises licensed for—

- (a) The sale of intoxicating liquor by retail;
- (b) Billiard playing, in accordance with the Licensing Acts;
- (c) Music, singing, and dancing in places where Part IV of the Public Health Acts Amendment Act, 1890, has been adopted by the local authority.

2. Duties under Cinematograph Act, 1909, and Explosives Act, 1875, where these have been delegated to the Justices.

3. Registration of clubs in which intoxicating liquor

is supplied to members or their guests, in accordance with the Licensing Acts.

4. Duties under the Lunacy Acts, 1890 to 1911, and Mental Deficiency Act, 1913.

5. Duties under Volunteers Act, 1863, Army Act, 1881, and Military Manoeuvres Act, 1897.

6. Appointment of special constables under the Special Constables Act, 1831.

7. Appointment of probation officers under the Probation of Offenders Act, 1907.

8. Revising the list of jurors in counties, and in boroughs which do not possess either a separate Court of Quarter Sessions or a Borough Civil Court.

9. Allowance of rates and exemptions from payment thereof. This duty is ministerial only and the allowance cannot be refused. The "making" of the rate is held to date from its allowance by the Justices.

10. In counties, the appointment of one-half of the members of the Standing Joint Committee for the control of the county constabulary.

11. Appointment of Visiting Committee of Prisons and Asylums.

12. Appointment of Overseers of the Poor in urban districts (including boroughs) where power to make the appointment has not been obtained by the local Council. In such cases the nomination is made by the Vestry Meeting.

**A Stipendiary Magistrate** may be appointed by the Crown on the recommendation of the Home Secretary, upon the petition of a borough or urban district. He must be a barrister of not less than seven years' standing. His salary is paid by the borough or urban district which petitions for the appointment and is subject to the approval of the Home Secretary. He has the power of two Justices of the Peace (i.e. a Court of Summary Jurisdiction).

The Magistrates' Clerk is appointed by the Justices, subject to confirmation by the Home Secretary. During the period that he holds this office the Magistrates' Clerk is disqualified from holding certain other public offices. His duties are to assist the Justices upon matters of law and practice, and to keep all the books and records required by the Summary Jurisdiction and Indictable Offences Acts. He holds his office during the pleasure of the Justices in accordance with the Justices' Clerks Act, 1877.

The salary of the Clerk and the other expenses of the Division are paid by the County or Borough Council out of the County Rate or Borough Fund.

## CHAPTER VIII

### THE COUNTY

THE word "shire" appears to be Anglo-Saxon, and was originally used to signify any district or jurisdiction under the control of a special or distinctive authority, possibly with a notion of sub-division from a larger unit. Gradually, however, the word "shire" became peculiarly appropriated to the district ruled by an earl or ealdorman, or, as he was called by the Latin-writing chroniclers, the *comes* or count. Thus, before the Norman Conquest the term "county" had for the most part replaced the Anglo-Saxon term of "shire."

The area of a geographical county is split up for various purposes. Thus, for the purposes of the Poor Law there are Unions, many of which still cut county boundaries. For the administration of the Criminal Law it is divided into Petty Sessional Divisions, which are grouped for certain purposes into Quarter Sessions. Local Government is administered by Parish Councils, Urban and Rural District Councils, Non-County and County Boroughs. Many of these areas also cut county boundaries.

For purposes of Local Government, the county was governed, until 1888, by the county magistrates, meeting in Quarter Sessions. The main purpose of the Local Government Act, 1888, was to transfer to the County Council, from the Justices of the Peace in Quarter Sessions, certain administrative powers which they had acquired over a period of several centuries through the administrative discretion allowed by certain statutes dating from the Tudor period. The Local Government



Act, 1888, was modelled upon the Municipal Corporations Act, 1882.

The Administrative County means the area for which a County Council is elected, in pursuance of the Local Government Act, 1888. This area does not include a County Borough.

For purposes of Local Government the following are considered as separate counties: the three Ridings of Yorkshire, the three divisions of Lincolnshire (Holland, Kesteven, and Lindsey), the east and west parts of Suffolk and of Sussex, the Isle of Ely, and the remaining part of Cambridgeshire, the Soke of Peterborough and the remaining part of Northamptonshire, the County of London, and the Isle of Wight. There are thus 62 administrative counties each governed by a County Council.

### COUNTY COUNCIL.

The County Council is the local authority for the Administrative County. It is a corporate body with perpetual succession and a common seal, and consists of the chairman, aldermen, and councillors.

County councillors are elected altogether by ballot every three years by the Local Government electors. Both Local Government electors and Local Government councillors must possess a qualification similar to that of borough electors and borough councillors. In addition, Peers owning property in the county, and ministers of religion, are qualified to be county councillors. The county (excepting the part covered by county boroughs) is divided into single electoral divisions. One councillor is elected for each electoral division, and no elector can vote in more than one division of a county, although qualified to do so. The number and apportionment of councillors are regulated by the Ministry of Health.

The election is on any date between the 1st and 8th March, as may be fixed by the Council.

The county aldermen are elected for six years by the councillors from among the councillors or persons qualified to be councillors. One-half their number retire every three years, and their successors are elected at the annual meeting. The number is one-third the number of councillors.

The election of the chairman is similar to that of the mayor of a borough.

**Meetings.** As a rule, the County Council holds only the statutory meetings, viz., an annual meeting and four quarterly meetings; the first meeting after the triennial election takes place on 15th April. The additional powers conferred upon County Councils in recent years, however, often necessitates an adjournment of the quarterly meetings.

**Committees.** The work is principally transacted by Committees, which merely report their acts and proceedings to the Council. Committees are of two kinds: (1) Ordinary and (2) Joint.

1. ORDINARY COMMITTEES are of two kinds: (a) Statutory, and (b) Standing.

(a) *Statutory Committees* include—

(i) Finance, under Local Government Act, 1888.

(ii) Education, under Education Act, 1902.

(iii) Distress, under Unemployed Workmen Act, 1905.

(iv) Small Holdings, under Small Holdings and Allotments Act, 1908. (This is now a Sub-Committee under the Agricultural Committee.)

(v) Local Pensions, under the Old Age Pensions Acts, 1908 to 1920.

(vi) Public Health and Housing, under the Housing and Town Planning, etc., Act, 1909.

(vii) Shops Act, under the Shops Act, 1912 and 1913.  
• (viii) Local Pensions Committee, under the Naval and Military War Pensions, etc., Acts.

(ix) Maternity and Child Welfare, under the Act of 1918.

(x) Land Drainage Act, under the Act of 1918.

(xi) Agriculture, under Part III of the Ministry of Agriculture and Fisheries Act, 1919, which provides also for a Diseases of Animals Sub-Committee.

(b) *Standing Committees* depend upon the functions of the Council, but usually include—

(i) Main Roads and Bridges.

(ii) Parliamentary.

(iii) Local Government.

(iv) Weights and Measures.

(v) General Purposes or Executive.

2. **JOINT COMMITTEES** are those whose functions are the concern not solely of the county, but of other authorities which are represented on these Committees for joint and concerted action. They comprise those appointed to administer certain Acts, and may consist either of the members of the Council only, or, for matters of joint concern, of members of the Council jointly with members of other Councils of counties or county boroughs.

These Joint Committees include—

(a) *Standing Joint Committee*. This consists of Justices appointed by Quarter Sessions, and county councillors, in equal numbers. It is practically independent of the appointing bodies, though it reports to them both and has to raise its money through the County Council. It appoints the Chief Constable (subject to the approval of the Home Office) and, subject to certain conditions, controls the police. This Committee, and not the County Council, deals

with county property, which is partly of a judicial character, such as shire halls, police courts, and also determines the salaries of the justices' clerks.

(b) *Asylums Visiting Committee.* (See Chapter XX.)

(c) *Inebriates Act Committee.*

(d) *Sea and River Conservancy.*

(e) *River Pollution.*

The County Council appoints representatives upon the County Insurance Committee under the National Health Insurance Acts. It will possess additional powers under the Tuberculosis Act, 1921.

**Powers and Duties.** The powers and duties of the County Council are of two kinds, viz.—

The direct functions indicated by the names of the Committees given above, which may be said to include those relating to county finance, assessment and rating, pauper lunatic asylums, county bridges and main roads, reformatories and industrial schools, weights and measures, diseases of animals, allotments and small holdings, education (both higher and elementary) the arrangements for registering and polling Parliamentary and Local Government electors, and the alteration of the various administrative areas within their county. They have certain sanitary duties, mainly by way of control over the district sanitary authorities under the various Acts relating to sanitation. They may make by-laws for the good government of their county, including the suppression of nuisances.

The control by the County Council extends to all other local authorities in inverse ratio to their powers. That is to say, the control over the Parish Council and Parish Meeting is more extensive than that exercised over the Borough Council, and the control over the Rural District Council more complete than that over the Urban District Council. This control includes the

distribution of the sum received from the Exchequer as Grants-in-aid.

**Officers.** The officers of a County Council include those appointed by the Standing Joint Committee and those appointed by the County Council itself.

Those appointed by the Standing Joint Committee are the Clerk, who is also Clerk of the Peace for the County, and the Chief Constable.

The officers appointed by the County Council include the Treasurer, one or more Surveyors, Medical Officer of Health, Public Analyst, one or more Coroners, as well as Inspectors to comply with requirements of the sanitary and other enactments (such as weights and measures), and such other officers as the Council thinks necessary. The office of Coroner dates from the year 1194, when he was an elected and not an appointed official, whose duty it was to check the rising power of the Sheriff. It is the duty of the Coroner to hold an inquiry or inquest in all cases of sudden and unaccounted-for deaths where there is the least suspicion of foul play ; in all cases of death in prison (whether sudden or not), and in cases of deaths in a lunatic asylum, unless certain medical certificates are forthcoming, and in all cases of treasure trove occurring within his district. It is said also that, by strict law, the Coroner must hold an inquest in cases of house-breaking, but in practice this duty has been long neglected. Within the City of London inquests are held in cases of certain fires.

**Finance.** The sources of income are tolls, fees, rents, etc., contributions from the Imperial Exchequer and loans. The deficiency in the County Fund is met from the County Rate.

THE COUNTY RATE is levied under the County Rates Acts, 1852 to 1866, by precepts upon the Guardians of the Poor, who obtain the money from the Overseers of the

respective parishes. Although the County Council may accept the Poor Rate Valuation, as described in Chapter IX, as the basis of the County Rate, they are not obliged to do so, and in practice they often prepare their own valuation.

LOANS for county purposes only, e.g. a shire hall, are limited to one-tenth the assessable value of the county and for a period not exceeding thirty years. Other loans are limited by the respective enactments, e.g. Small Holdings and Allotment Acts.

THE ACCOUNTS of the County Council and the Standing Joint Committee are made up yearly to 31st March, and are subject to audit by the District Auditor of the Ministry of Health.

**Judicial Officers.** There are certain officers of a modern county who are appointed for judicial or imperial purposes, but are not appointed by the County Council.

THE SHERIFF is selected by the Crown from lists of landowners in the county submitted by the Judges of the King's Bench Division of the High Court of Justice presided over by the Chancellor of the Exchequer. The office dates from late Anglo-Saxon times, when the *shire-reeve* was a purely royal official. The appointment is an annual one; it is compulsory and unpaid. His duties are to attend on the Judges, to summon and return juries and enforce all judgments of the High Court. He must appoint an Under-Sheriff who discharges most of the duties. The Sheriff performs only the purely ceremonial duties of the office.

THE LORD-LIEUTENANT is appointed by the Crown. He was first recognized by a statute of the year 1559. His principal duties are to appoint Deputy-Lieutenants. The Lord-Lieutenant is generally the same person as the *Custos rotulorum* (keeper of the records), and head of the Commission of the Peace for the County. As

such, he has the duty of recommending to the Lord Chancellor persons qualified for the office of Justice of the Peace.

JUSTICES OF THE PEACE for the county are appointed by the Lord Chancellor upon the nomination of the Lord-Lieutenant, who is advised in his selection by an Advisory Committee. In the County of Lancaster the appointments are made by the Chancellor of the Duchy, who is a politician holding the position for the duration of the Government. Their duties are now almost entirely judicial, but in Quarter Sessions they license private lunatic asylums and drunkards' retreats. They also appoint the visitors of local prisons, grant licences for the sale of intoxicating liquors and for public billiard rooms, and revise jury lists, and (out of Sessions) allow rates. The powers of a County Council for the licensing of theatres, or the execution of the Explosives Acts can be delegated to the Justices in Petty Sessions. The office is unpaid and appointment is for life, but Justices may be removed for misconduct. Their work is more fully dealt with in the preceding chapter.

### RIGHTS OF ELECTORS.

All ratepayers and owners of property in the county possess the same rights as to inspection of minutes and accounts as are described in the chapter on the Borough.

### SCOTLAND AND IRELAND.

In both Scotland and Ireland there are County Councils possessing powers and duties corresponding to those of the County Councils in England and Wales. In Ireland, in addition to their other duties, the County Councils levy the Poor Rate.

## CHAPTER IX

### THE OVERSEER OF THE POOR

THE Overseer of the Poor is the person or authority responsible for the making, collection, and recovery of the Poor Rate. The office dates from 1551, and became a permanent feature of Local Government in 1601. In 1834 the duties of the Overseers with reference to the Poor Laws, which for two centuries they had administered, were transferred to the Board of Guardians.

### APPOINTMENT AND QUALIFICATIONS.

The Overseers are appointed annually, in April, in each parish. In a rural parish they are appointed by the Parish Council or Parish Meeting; or, if these neglect to do so, by the Board of Guardians. In an urban parish they are appointed by Justices of the Peace on nomination of the Vestry, but where the Borough Council or Urban District Council has obtained the powers of a parish under the Local Government Act, 1894, then the Overseers are appointed by the Council concerned.

This does not apply within the County of London, where, by the London Government Act, 1899, the Borough Councils are the Overseers. Each Metropolitan Borough Council elects a Valuation Committee.

The qualifications of an Overseer are that he must be a "substantial householder," male or female, within the parish. The office is compulsory and unpaid. Where there is no fit inhabitant in the parish, an inhabitant householder of an adjoining parish may be appointed with his consent, in accordance with Poor Relief Act,



1819. An appeal against appointment lies to the Justices in Quarter Sessions, and, on a point of law, to the High Court.

The local authority may appoint a "discreet person" as Assistant Overseer under the control of the Overseer. This does not, however, exempt the Overseers from any of their responsibilities. The salary of an Assistant Overseer is paid out of the Poor Rate.

### POWERS AND DUTIES.

The powers and duties of the Overseer include the preparation of the Poor Rate Valuation List; and the making, levying, and collecting of the Poor Rate, under the Poor Relief Act, 1601, which now provides for other services in addition to poor relief, e.g. education. In accordance with arrangements made since the passing of the Representation of the People Act, 1918, the Overseer provides assistance to the Registration Officer in the preparation of the Local Government and Parliamentary register of electors, and the list of objections thereto, and he attends the revision courts. He also affords assistance in the preparation of the Grand and Common Jury lists under conditions similar to the register of electors. In cases of urgent necessity, the Overseer may provide relief of the poor and certify pauper lunatics, but he must report the circumstances to the Relieving Officer. He is required to keep prescribed accounts and is responsible for the submission of such to the District Auditor of the Ministry of Health. His miscellaneous duties include the supervision of the Assistant Overseer.

**Valuation List.** The principal duty of the Overseer is the preparation of the Valuation List, which is a list of all the rateable hereditaments in the parish. It is a statement of the gross estimated rental and net

annual value of all the rateable properties in the parish.

The list is prepared by the Overseers and deposited in the same place as rate books, and a copy sent to the Board of Guardians, in accordance with the Union Assessment Committee Acts, 1862 to 1880. Public notice of the deposit of the list is published on all churches the following Sunday, and thereafter the list is open for inspection for 14 days. It is then sent to the Assessment Committee. Companies with Registered Offices outside the parish are notified of their assessments within 14 days of meeting.

Appeals against the Valuation Lists are heard before the Union Assessment Committee, appointed under the Union Assessment Committee Act, 1862. This committee consists of from six to twelve Guardians of the Poor. It is the duty of the committee to secure uniformity and correctness of valuation throughout the Union. For this purpose a salaried Valuer may be appointed, subject to the approval of the Board of Guardians. The work of the committee is not controlled by any Government Department, nor is the Central Government represented on the committee.

The form of Valuation List is prescribed by the Parochial Assessment Act, 1836, as amended by the Agricultural Rates Act, 1896. (*See page 107.*) The Metropolitan and Scottish forms differ from this. The form of Rate Book substantially reproduces the form of the Valuation List with the addition of a column for the Rate in the £. The procedure in the Metropolis differs somewhat from that in the provinces.

There are certain technical terms used in the list, which require to be defined—

1. GROSS ESTIMATED RENTAL is the rent at which the property might reasonably be expected to let from

# FORM OF VALUATION LIST

AS PRESCRIBED BY THE PAROCHIAL ASSESSMENT ACT, 1836, AS AMENDED BY, THE  
AGRICULTURAL RATES ACT, 1896

No.	Name of Occupier.	Name of Owner.	Description of Property.	Name or Situation of Property.	Estimated Extent.	Gross Estimated Rental.	Rateable Value of Agricultural Land.	Rateable Value of Buildings and Other Hereditaments not being Agricultural Land.

year to year, free of all usual tenant's rates and taxes and tithe commutation rent charge, if any.

2. **RATEABLE VALUE OR NET ANNUAL VALUE** is the gross estimated rental after deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses, if any, necessary to maintain the property in a state to command such rent.

3. **ASSESSABLE VALUE** is the rateable value reduced by an amount equal to one-half of the rateable value of agricultural land.

4. **RATE** is a charge the proceeds of which are applicable to public local purposes, and which is leviable on the basis of the assessment in respect of the yearly value of property.

**Principles of Valuation.** Certain principles of valuation have grown up as a result of common law and judicial decisions, and these may be briefly considered.

In the case of dwelling houses and premises let at a rack rent or on short leases, the rent is usually taken as the basis for valuation. The actual rental paid, however, is not necessarily the standard of value.

**CONTRACTOR'S RENT.** Where the particular hereditament, such as schools, colleges, halls, hospitals, and clubs, is not let at a rack rent, the valuation is often based wholly or partly upon the principle of "contractor's rent," i.e. of adding together a percentage on the value of the site, and a percentage on the cost, or value, of the buildings. This is known as the Substituted Building Basis.

**COMPETITIVE VALUE.** In certain other properties which are seldom or never let on the terms contemplated by the statute, viz., railways, canals, tramways, docks, waterworks, gasworks, electric supply undertakings, etc., the "contractor's rent" principle is only partially applied, e.g. to the railway stations as distinguished

from the line. In these cases, the main valuation is made upon another principle, that of receipts and expenditure. This appears to be based upon an inquiry as to the probable profit earning capacity of the undertaking. The rent which a tenant might give cannot therefore be determined by merely taking a percentage on the cost of construction. In such cases, the Courts have approved of a method of valuation starting from the receipts earned and arriving at the annual value of the rateable portion of the undertaking by a series of deductions. Many such properties extend into several parishes and counties. The valuations in such cases have to be made on the basis of what a hypothetical tenant might give for the portion of the undertaking in each parish.

**Appeal Against Valuation List.** Within 28 days from notice of deposit, either the aggrieved person, the Overseers, the Parish Council, or the Parish Meeting may give notice of objection both to the Union Assessment Committee and to parishes or persons affected by the objection.

The objection must be on the ground of unfairness, incorrectness, or omission in the valuation, and must be in writing and in duplicate, one copy being for the Overseers and the other for the committee.

The Union Assessment Committee holds meetings to hear and determine objections, after giving 28 days' notice to the Overseers who publish the notice. The committee hears objections either personally or by counsel, solicitor, or agent. The committee sits in a judicial capacity, in which it hears the case of the objectors as appellants and then that of the Overseers as the respondents.

The Union Assessment Committee may make such alterations as it thinks fit, with or without objection,

and at any time prior to the levying of the rate, and on any information.

After the list is altered it is re-deposited under conditions of original deposit. The committee holds further meetings for hearing objections to alterations after 7 to 14 days from re-deposit.

After hearing all objections the Union Assessment Committee approves the list by totalling the columns showing gross rental and rateable value, and by signature of three members of the committee present at the meeting, and dating the list. The original is kept by the Board of Guardians. A copy signed by three members of the committee, and counter-signed by the Clerk of the Committee, is sent to the Overseers. The parish totals of gross rentals and rateable value are sent to the Clerk of the Peace for the county in order that he may base the county rate upon them, if desired.

A person may make a further appeal from the committee to the Justices in Special Sessions, and from them to the Quarter Sessions. Notice of such appeals must be given to the Assessment Committee and the Overseers affected. A parish may, by its Parish Council or other authority, appeal direct to Quarter Sessions. On questions of fact the decision of Quarter Sessions is final. On a point of law, a case may be stated for the opinion of the High Court.

The Valuation List remains in force until the Assessment Committee orders a new list to be prepared. Supplemental Lists must be made by the Overseers whenever any new property becomes rateable or any property increased or decreased in value. The Supplemental Lists go through the same procedure as the Valuation List. In London new Valuation Lists must be prepared every five years. In Scotland a new Valuation Roll is prepared each year.

**Rates.** The Poor Rate Valuation is the basis for the following, among other, rates, viz.—

1. General District Rate, Section 211 Public Health Act, 1875.

2. General Expenses Rate of a Rural District, Section 230 Public Health Act, 1875 ; Section 29 Local Government Act, 1894.

3. Highway Rate (where levied), Section 4 Highway Rate Act, 1882.

4. Borough Rate, Section 144 (5) Municipal Corporations Act, 1882.

5. Private Improvement Rate, Sections 213 and 232 Public Health Act, 1875.

**Making and Levying the Poor Rate.** By the statute of 1601, the Overseers were to raise in each parish a stock "for setting the poor on work," to put poor children out as apprentices, and to furnish relief for the impotent poor. This was the origin of the Poor Rate, which the Overseers are still required to make and levy. The Poor Rate now provides for other services in addition to Poor Relief, e.g. Education, County Charges, etc.

The various local authorities issue precepts (or orders) on the Overseers of the various parishes.

The Overseers estimate the rate required to produce the amount of the various precepts, together with the Overseer's expenses ; and must sign the declaration in the Rate Book.

The rate is then prepared and allowed by two Justices dwelling in or near the parish. This allowance is purely ministerial and cannot be refused. The making of the rate is held to date from its allowance by the Justices, and the Overseers must before the following Sunday give public notice of the rate.

The rate is levied—

(a) Under the Poor Relief Act, 1601, upon every

inhabitant, parson, vicar, and other, and every occupier of lands, houses, tithes impropriate, propriations of tithes, coal mines, or saleable under-woods.

(b) Under the Rating Act, 1874, upon occupiers of mines of every description not in the 1601 Act; land not subject to rights of common; sporting rights when severed from the occupation of land.

(c) Under the Advertising Stations (Rating) Act, 1889, upon occupiers of advertisement hoardings. In this class of property the owner may and usually is the person rated.

(d) Under the Agricultural Rates Act, 1896, upon agricultural land which is assessed at one-half the rateable value.

Occupation of the premises rated must be "beneficial." This does not necessarily mean that the occupation is pecuniarily profitable, e.g. sewers. What constitutes "beneficial" occupation is a question of fact which may have to be decided in the Courts.

Appeal against the rate lies to Special or Quarter Sessions.

Appeal against the rate may be made only by persons who have given notice of objection against the Valuation List, and have failed to obtain such relief as they consider just.

The rate is levied upon occupiers of the hereditaments, viz., the person entitled to exclusive possession, except in the case of a Tithe Rent charge.

**Rating of Owners.** In the case of property of small annual value, the owner may be rated according to the situation and value of the property, viz.—

- (i) Metropolis: not exceeding £20 assessment.
- (ii) Liverpool: not exceeding £13 assessment.
- (iii) Manchester and Birmingham: not exceeding £10 assessment.



(iv) Elsewhere: not exceeding £8 assessment.

Section 16 of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, increases the limits of compounding for rates by 25 per cent. if the premises are outside the Metropolis.

Sporting Rights, when severed from the occupation of the land, are rated separately, while certain properties are subject to differential rating.

**Exemptions from Rating.** Personal property is exempt from rating. Property occupied by the Crown or used for the purposes of the Crown is exempted from rating, although the Crown usually makes an *ex gratia* payment equal to the amount of the rate. This includes all Government Buildings, Post Offices, Custom Houses, as well as Ambassadors' residences.

Properties covered by the Scientific Societies Act, 1843, Sunday Schools and Ragged Schools as defined by the Act of 1869, registered places of worship, and lighthouses, buoys, and beacons as defined in Merchant Shipping Act, 1894, are all exempted from rates. Voluntary Schools are exempt but Provided Schools are not.

The Statement of Rates Act, 1919, provides that from and after the first day of January, 1920, every demand, or receipt for rent, as may be payable under any statutory enactment by the owner instead of the occupier, must state the amount of such rates. Such statement must agree with the last demands received by the owner from the rating authorities. The Act does not apply to weekly lettings at inclusive rentals in any market established under or controlled by statute.

## ACCOUNTS.

The Accounts of the Overseer are made up

half-yearly to the 31st March and the 30th September, and audited by the District Auditor of the Ministry of Health.

#### SCOTLAND.

There are no Overseers in Scotland. The duties performed by Overseers in England and Wales are in Scotland carried out—

(a) As regards Valuation and Registration, by County and Burgh Councils, through Assessors appointed by them.

(b) As regards the Poor Rate, etc., by the various local authorities concerned.

(c) In other matters by the Parish Councils.

#### IRELAND.

The work of the Overseers in Ireland is discharged by the County Councils.

## CHAPTER X

### LOCAL FINANCE—ACCOUNTS AND AUDIT

#### (a) LOCAL TAXATION GRANTS.

TAXES are a portion of private wealth exacted compulsorily from individuals by the State to meet expenditure necessary to carry out the functions of government.

Rates are a charge levied by a local authority, the proceeds of which are applicable to public purposes, and which are leviable on the basis of an assessment upon the occupier in respect of the yearly value of occupied property. The present system of rating is based theoretically on the assumed annual letting value of real property, and does not take into account personal property or income. Originally personal as well as real property was rateable, but personal property was exempted by the Poor Rate Exemption Act, 1840.

The system of State subventions or grants-in-aid was begun in 1834 by means of grants-in-aid from the Consolidated Fund. These grants were made annually for criminal prosecutions and support of prisons. It was extended afterwards to maintenance of police; poor law schools, pauper lunatics, health officers, sanitary inspectors, registration, and main roads. The Local Government Act, 1888, practically abolished this system of grants-in-aid. The principle is, however, retained in the case of education grants, police grants, mental deficiency grants, and the grants in respect of small holdings; places of detention; registration of electors; venereal diseases; tuberculosis; maternity and child

welfare ; housing ; and has now been extended to the Ministry of Transport Act, 1919.

In 1889 the Local Taxation Account was established by the late Viscount (then Mr.) Goschen to take the place of the grants-in-aid, which have been largely superseded by the proceeds of special taxes being assigned to the local authorities, though in some cases these proceeds are "stereotyped" figures. By the Finance Act, 1907, the system whereby assigned revenues, the proceeds of Imperial taxes, were intercepted and handed over to local authorities, was abolished, and it was enacted that the local authorities should receive from the Consolidated Fund a sum equivalent to the proceeds of those respective sources of revenue which formerly went to the Local Taxation Accounts. By an Order in Council dated 30th October, 1908, the power to levy the duties on Local Taxation Licences under Section 6 of the Finance Act, 1908, was transferred in England and Wales to the County Councils as from 1st January, 1909. The licences to which the Section applies are the following : Licences to dealers in game, for dogs, for killing game and for guns, carriages (including duties charged under Sub-Section (1), Section 8 of Locomotives on Highways Act, 1896), armorial bearings, and male servants.

Local Taxation Grants may be classified as follows—

1. THE PROBATE DUTY GRANT, under which the Inland Revenue Commissioners pay into the Local Taxation Account at the Bank of England 80 per cent. of one-half of the proceeds of the Probate Duties. The Probate Duty Grant ceased in 1894, but there was substituted therefor a corresponding amount from Estate Duty derived from personalty.

2. THE CUSTOMS AND EXCISE DUTY GRANT, 80 per cent. of the proceeds of certain sur-taxes on beer and

spirits, subject to certain deductions, viz., £300,000 for police superannuation. This Grant is ear-marked for Higher Education.

3. THE LICENCES DUTY GRANT. These are of two classes, viz., those collected by the Inland Revenue authorities direct, such as liquor licences, licences for refreshment-house keepers, auctioneers, pawnbrokers, etc.; and those collected by County Councils and County Borough Councils, such as licences to deal in game, and for dogs, guns, carriages, armorial bearings, and male servants.

4. THE AGRICULTURAL RATES GRANT consists of an annual sum which is equal to the estimated amount of the exemption granted under the Agricultural Rates Act, 1896.

5. THE TITHE RENT-CHARGE (RATES) ACT, 1899. One-half of the Poor Rate on the Tithe Rent Charges attached to Benefices is paid by the Inland Revenue authorities.

It is claimed in favour of Local Taxation Grants that many local services which concern the general welfare are enforced by Parliament and are really national services administered locally. Such expenditure is "onerous" and should be in some way met by Imperial assistance. These grants from the State are not compassionate grants but a charge which should fall on the taxpayer. Without this aid and consequent partial retention of control, it is probable that the benefits intended would fall short of the desired result. The grants-in-aid act as a stimulus to negligent authorities and enable Parliament to secure a uniformity of administration of certain functions which should be organized and co-ordinated by experts. The money given is theoretically raised from the area for which the receiving authority is autonomous and consequently

a local share of the cost is maintained. The source of revenue is mainly taxes on luxuries. Thus revenue is more readily obtained for important services, which, if provided for by a local rate might be stunted. Many persons who escape payments of rates enjoy the benefits derived from expenditure out of rates, but as taxpayers they contribute to that expenditure by means of the grants-in-aid. On the other hand, it is asserted to be a dangerous principle to establish a system by which great claims can be made on the National Exchequer. There cannot be any effective Parliamentary control over such expenditure, nor any guarantee of economy. So far as the local authorities are concerned, subsidies granted to them without sacrifice are apt to be lavishly expended. In addition, it is difficult accurately to define the proper subjects for relief, the proportion of the grant-in-aid, or the amount of contribution to the different areas.

#### (b) ACCOUNTS.

**Systems.** Systems of accounts kept by local authorities differ. For the larger areas, the accounts are invariably kept on a double-entry system.

"Receipts and Expenditure" are, however, referred to in—

(a) General Orders of the Local Government Board (now Ministry of Health), 1867 and 1880.

(b) Public Health Act, 1875.

(c) District Auditors Act, 1879.

(d) Municipal Corporations Act, 1882.

(e) Local Government Act, 1888.

(f) Education Act, 1902.

"Receipts and Payments" are referred to in Local Government Act, 1894.

The Housing Accounts Order, 31st March, 1920,

provided that Accounts must be kept on the basis of Income and Expenditure.

“Income and Expenditure” Accounts are kept by most of the larger Borough and Urban District Councils, and all local authorities who undertake any form of trading.

Income and Expenditure means that all amounts due in respect of a certain period should be brought to account in that period, although not actually received or disbursed before its close.

The Departmental Committee on Accounts of Local Authorities, appointed in 1906, proposed that this system should be extended to the accounts of all local authorities other than Overseers of the Poor, Parish Councils and Meetings, and Lighting Inspectors.

District Councils and (especially) Boards of Guardians are largely subject to the detailed methods prescribed by the Ministry of Health Orders.

Separate accounts are prepared in order to show the income and expenditure in relation to the main divisions of the activities and administration of each local authority, e.g.—

In respect of services associated with each rate or forming a distinct important activity, or trading undertakings, or where Acts of Parliament specifically require such separation, e.g. Education and Housing.

There are, however, instances in which different branches of the accounts of the same authority are kept on different systems. It is almost impossible to keep some accounts on income and expenditure basis, and such accounts as Government Grants, Exchequer Contribution Accounts, Police Pension Funds, and Trust Accounts are more usefully treated on a cash basis. The chief cause of this want of uniformity is the vague terminology of Acts of Parliament, which

refer to the form of published accounts rather than to the method of book-keeping in use. The absence of sufficiently precise regulations and definitions, together with an increasing sense of the inadequacy of the purely cash system of account keeping, has led to a demand for uniformity. There is little uniformity as regards the form in which the Abstracts of Accounts are presented to the ratepayers. The Returns and Financial Statements furnished to the Ministry of Health are compiled from data derived from different systems of accounts, and the statistical information thus obtained is not uniform. Thus the double-entry system of book-keeping may be in operation, and yet the form of accounts published annually may be on Receipts and Payments lines.

**Forms of Accounts.** The Ministry of Health has large powers to prescribe *inter alia* the form of such accounts of local authorities as may be subject to audit by the District Auditor (see below), but in this connection the Ministry has generally prescribed only the form of Financial Statement to be submitted to the Auditors. The Departmental Committee on Accounts of Local Authorities, appointed in 1906, recommended certain standard forms of accounts, which are printed in the Appendix to this book. The accounts of local authorities should be presented to the ratepayers in such a way that the affairs of the authority can be understood without involving any detailed knowledge of accountancy.

The form of Annual Abstract should be compiled to show the following information—

1. An Introduction containing general information respecting the locality, its population, rateable value, rates levied, with percentage and reports on any special matters affecting the current accounts.



2. In respect of each Fund and each special account in each Fund—

(a) Revenue Account.

(b) Capital Account.

(c) Balance Sheet.

3. An Aggregate Balance Sheet.

4. Statement as to Loans raised and repaid, and provisions for future repayments.

5. A clear and full Index.

**Time of Making Up.** The period and dates of making up of accounts vary according to whether the audit of same is by the District Auditor under the "Poor Law" Code or under the Public Health Code.

UNDER THE POOR LAW CODE, the accounts must be made up half-yearly to 31st March and 30th September, and include the accounts of the Overseers of the Poor, the Boards of Guardians, and Rural District Councils.

UNDER THE PUBLIC HEALTH CODE, the accounts must be made up yearly to 31st March, and include the following—

1. Provincial Boroughs—

(a) Education, Housing, and Distress Committee : yearly to 31st March ; and audited by District Auditor.

(b) All other accounts : date approved by Ministry of Health, generally 31st March ; and audited by Borough Auditors.

Certain provincial boroughs are required to submit all their accounts to the District Auditor.

2. County Councils ; Urban District Councils ; Parish Councils and Parish Meetings.

3. London County Council ; Metropolitan Borough Councils.

4. Joint Boards and Committees (usually).

5. Port Sanitary Authorities (usually).

6. Visiting Committees of Lunatic Asylums (usually).

7. The Electric Supply Act, 1919, provides that the accounts of the newly-established Electrical Authorities shall be made up and audited in the same manner as the accounts of County Councils.

Accounts which are left free from control are, therefore, the Corporation of London, Burial Boards and Drainage Boards, Lighting Inspectors, Commissioners of Sewers, Harbour Authorities, and some Port Sanitary Authorities.

**Inspection of Accounts by Ratepayers.** In the case of Parish Councils, Urban and Rural District Councils, and any other local authorities to whom Section 247 of the Public Health Act, 1875, applies, it is provided that accounts are to be deposited at the office of the authority seven clear days before audit. During this time, and without payment, all persons interested may inspect them and take extracts from them.

In the case of Parish Meetings, Parish Councils, and Rural District Councils, it is provided by the Local Government Act, 1894, that any parochial elector may inspect and take extracts from the books, accounts, and documents of the authorities, at all reasonable times, without payment.

Urban District Council accounts are to be open to inspection by any ratepayer during the audit, in accordance with the General Order of the Ministry of Health dated the 22nd March, 1880.

With reference to Borough Councils, it is provided under Section 233 of the Municipal Corporations Act, 1882, that a *burgess* may inspect the Minutes of the Council and Orders for the payment of money, and may take extracts from them. *Ratepayers* may also inspect the abstract of the Treasurer's accounts, and may obtain copies at a reasonable price.

The provisions of the Public Health Acts and Municipal Corporations Act as to the inspection of the

accounts are generally applicable to the accounts of County Councils also.

In the case of Boards of Guardians, the General Order, of the 14th January, 1867, directs that the half-yearly statement, relief order book, and ledger may be inspected, examined, and copied by any *ratepayer* or *owner of property* in the Union at all reasonable times.

Overseers of the Poor are also regulated by the General Order of 14th January, 1867, which directs that at the time of the audit the documents and books may be inspected by any ratepayer or owner of property within the parish, who at any other reasonable time may also inspect the books upon payment of 6d.

**Publication of Accounts.** Parish Councils and Parish Meetings, as well as Joint Committees of Parish Councils and Parish Meetings, are required to lay before the Parish Meeting a copy of the financial statement.

Urban and Rural District Councils are required to publish an abstract of their accounts, after audit, in local newspapers.

Borough Councils are required to print a full abstract of the Treasurer's accounts annually, after audit, and copies of this abstract must be purchasable by the ratepayers at a reasonable price.

County Councils generally follow the regulation prescribed for Boroughs.

Boards of Guardians are required to send a "Parochial List and Statement of Account" each half-year to the Overseers of each parish. They are also permitted to print and circulate among the ratepayers, and advertise in the newspapers, the (non-statutory) financial statement.

The Electric Light Act, 1882, requires that the Electric Supply accounts must be published annually and copies thereof sold at a price not exceeding 1s.

(c) AUDIT.

Before 1834, Churchwardens and Overseers were required to render accounts to two Justices of the Peace four days before the end of the year, and such accounts were to be verified on oath and open to inspection. Justices were empowered to examine accounts, and disallow or reduce items of expenditure. A few parishes had an audit enforced by local Act of Parliament.

The Poor Law Amendment Act, 1834, made provision that, under an Order of the Poor Law Commissioners, the Guardians of the Poor were to appoint a "competent person" to be auditor, to hold office until removed either by the Commissioners or by the Guardians with the consent of the Commissioners. The auditors possessed power of disallowance and surcharge, and were required to report to the Commissioners. Audit by Justices remained, and the Justices had power to annul any disallowance or surcharge made by the auditors.

The Poor Law Amendment Act, 1844, deprived the Justices of their audit powers. Auditors were to be appointed by the Chairman and Vice-Chairman of the Board of Guardians. Poor Law Commissioners were empowered by Order to combine parishes and unions into districts for audit purposes.

The General Order for Accounts, 1847, substituted half-yearly for quarterly audit. This was supplemented by Orders dated 18th November, 1850, and 16th March, 1854, being finally rescinded by the General Order for Accounts, 14th January, 1867, which contains 67 Articles and 8 Schedules, and is still in force. The General Order of 1867 dealt with Poor Rates only. On 20th March, 1879, the Other Rates Order was issued, which governs the method of keeping accounts relating to rates which are still levied separately, e.g. Lighting and Watching. On 22nd March, 1880, the Local Boards Accounts Order

was issued, and prescribes the books to be kept by Local Boards (now District Councils). These books are the Minute Book, General Ledger (showing separately Public Works, Private Works, and General Accounts), and the Surveyor's Stores Account. On 26th March, 1901, the Metropolitan Rates Order was issued to give effect to the London Government Act, 1899, and the London Rating Scheme Order. 1901.

In 1868, Parliament directed that future vacancies should be filled by the Government, who at the present time act through the Ministry of Health.

The audit of Local Authority Accounts is now performed by District Auditors (*see* page 129), or Borough Auditors (*see* "Borough"), or Professional Auditors (*see* "Borough"). Vestry Auditors still exist in the case of small bodies, such as Burial Boards.

The statutory sections relating to the audit of accounts are as follows, the Local Government Board being read throughout as the Ministry of Health—

**Municipal Corporations Act, 1882. (45 & 46 Vict., c. 50.)**

25.—(1) There shall be three borough auditors, two elected by the burgesses, called elective auditors, and one appointed by the mayor, called mayor's auditor.

(2) An elective auditor must be qualified to be a councillor, but may not be a member of the Council, or the town clerk, or the treasurer.

(3) The mayor's auditor must be a member of the Council.

(4) The term of office of each auditor shall be one year.

(5) The appointment of the mayor's auditor shall be made on the ordinary day of election of the elective auditors.

(6) On a casual vacancy in his office an appointment to fill it shall be made within ten days after the occurrence of the vacancy.

26.—The treasurer shall make up his accounts half-yearly to such dates as the Council, with the approval of the Local Government Board, from time to time appoint; and, subject to any such appointment, to the date in use at the commencement of this Act.

27.—(1) The treasurer shall within one month from the date to which he is required to make up his accounts in each half-year, submit them, with the necessary vouchers and papers, to the borough auditors, and they shall audit them.

(2) After the audit of the accounts for the second half of each financial year the treasurer shall print a full abstract of his accounts for that year.

28.—(1) The town clerk shall make a return to the Local Government Board of the receipts and expenditure of the Municipal Corporation for each financial year.

(2) The return shall be made for the financial year ending on the twenty-fifth of March, or on such other day as the Local Government Board, on the application of the Council, from time to time prescribe.

(3) The return shall be in such form and contain such particulars as the Local Government Board from time to time direct.

(4) The return shall be sent to the Local Government Board within one month after the completion of the audit for the second half of each financial year.

62.—(1) The ordinary day of election of elective auditors shall be the first of March, or such other day as the Council, with the approval of the Local Government Board, from time to time appoint.

### Local Government Act, 1888. (51 & 52 Vict., c. 41.)

#### AUDIT OF ACCOUNTS OF COUNTY COUNCIL.

71.—(1) The accounts of the receipts and expenditure of County Councils shall be made up to the end of each local financial year as defined by this Act, and be in the form, for the time being, prescribed by the Local Government Board.

(2) The provision of the Municipal Corporations Act, 1882, with respect to the return to the Local Government Board of the accounts of a Council of a borough and to the accounts of the treasurer of the borough, and to the inspection and abstract thereof shall apply to the accounts of a County Council, and of the treasurer and officers of such Council, and the said provisions respecting the return to the Local Government Board shall extend to the return to that Board of a printed copy of the abstract of the said accounts.

(3) The accounts of a County Council and of the county treasurer and officers of such Council, shall be audited by the district auditors appointed by the Local Government Board, in like manner, as accounts of an urban authority and their officers under Sections 247 and 250 of the Public Health Act, 1875, and those sections and all enactments amending them or applying to audit by district auditors, including the enactments imposing penalties, and providing for the recovery of sums, shall apply in like manner as if, so far as they relate to an audit of the accounts of an urban authority and the officers of such authority, they were herein re-enacted with the necessary modifications, and accordingly all ratepayers and owners of property in the county

shall have the like rights, and there shall be the same appeal as in the case of such audit. Provided that the first schedule to the District Auditors Act, 1879, shall be modified in manner described in the second schedule of this Act.

### Local Government Act, 1894. (56 & 57 Vict., c. 73.)

58.—(2) The accounts of Parish and District Councils, and of Parish Meetings for parishes not having Parish Councils, and their committees and officers shall, except in the case of accounts audited by the auditors of a borough (but inclusive of the accounts of a joint committee appointed by a Borough Council with another Council, not being a Borough Council) be audited by a district auditor; and the enactments relating to audit by district auditors of accounts of urban sanitary authorities and their officers, and to all matters incidental thereto and consequential thereon, shall apply accordingly, except that in the case of the accounts of rural district councils, their committees and officers, the audit shall be half-yearly instead of yearly.

### Public Health Act, 1875. (38 & 39 Vict., c. 55.)

#### *Accounts of Local Authorities.*

245.—Accounts of the receipts and expenditure under this Act of every local authority shall be made up in such form and to such day in every year as the Local Government Board may appoint.

#### *Audit where Urban Authority are a Town Council.*

246.—Where the urban authority are the Council of a borough, the accounts of the receipts and expenditure under this Act of such authority shall be audited and examined by the auditors of the borough, and shall be published in like manner, and at the same time as the municipal accounts, and the auditors shall proceed in the audit after like notice, and in like manner, shall have like powers and authorities, and perform like duties, as in the case of auditing the municipal accounts.

Each of such auditors shall in respect of each audit be paid such reasonable remuneration, not being less than two guineas for every day in which they are employed in such audit, as such authority from time to time appoints. Any order of such authority for the payment of any money may be removed by *certiorari* and like proceedings may be had thereon, as under Section 44 of the Act of the first year of Her Majesty, chapter 78, with respect to order of the Council of a borough for payment out of the borough fund.

**London Government Act, 1899. (62 & 63 Vict., c. 14.)**

14.—After the appointed day the accounts of the Council of every metropolitan borough, and of any committee appointed by the Council, and of their officers, including the accounts relating to the making, levy and collection of any rate made by the Council, shall be made up and audited in like manner and subject to the same provisions as the accounts of the London County Council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply accordingly.

(See Local Government Act, 1888, p. 126.)

From the foregoing extracts, it will be observed that practically all the accounts of local authorities are subject to audit by the District Auditor of the Ministry of Health, except the accounts of Boroughs, of which, however, fifty-nine are now entirely under the District audit. Even in the case of Boroughs, certain accounts have been made subject to the Government Audit, viz., Distress Committees, Education Committees, Housing (Assisted Schemes), Electricity Accounts (if an Electricity Authority under the Electricity Act, 1919). The District Auditor may also examine the Police Accounts of a borough to certify the accuracy of the claim for Police Grants.

**INTERNAL AUDIT.**

Great advantage is to be obtained from a system of internal audit, whereby all the financial work may be under one department of the local authority. The keeping of diagrammatic charts of income and expenditure, and of audit note-books, is of material value in systematizing the audit work. The checking of wages, trading revenues, stocks of materials, and other matters of a routine character is of value in a system of internal audit. The keeping of cost accounts and loose plant and tool registers is a useful means of preventing fraud.



## AUDITING AS APPLICABLE TO MUNICIPAL \* AUTHORITIES.

The borough or elective audit is governed by Sections 25-27 of the Municipal Corporations Act, 1882, wherein it is stated that the Treasurer's Accounts, together with the necessary vouchers and papers, shall be submitted half-yearly to the borough auditors and they shall audit them. When it is pointed out, however, that the "Treasurer's Accounts" frequently mean the Cash Account—and in the case of a "Banker-Treasurer" his Cash Account is the Bank Pass-book—it will readily be seen that such an audit is not effective. Further, the extent to which such an audit is carried in practice is frequently decided by the personal opinions of the accountant to the municipal authority and the auditors—the opinion of the latter varying according to their zeal for work and desire for notoriety.

Section 26 of the Municipal Corporations Act, 1882, requires the accounts to be made up half-yearly by the treasurer, to a date approved by the Ministry of Health. (These dates are usually 31st March and 30th September in each year.) As stated above, within one month of these dates the treasurer must submit his accounts, together with such vouchers and papers as may be necessary, to the auditors. (Section 27 (1).) In the case of *Thomas v. Devonport Corporation* it was decided that a mere examination of vouchers and payments is not sufficient. The elective auditors should make a fair and reasonable examination to ensure that there have been no improper payments.

## DISTRICT AUDITORS.

The District Auditor is "a competent person" appointed by the Ministry of Health to an audit district in England and Wales under the District Auditors Act,

1879. His duty is to ascertain that all sums which have been actually received are duly accounted for; that everything stated to have been expended has actually been expended, and to determine whether the actual expenditure is truly stated and has been made in conformity to the law. The District Auditor is usually appointed from the ranks of assistant auditors. In 1912 it was decided by the then Local Government Board that assistant auditors should, before appointment, be required to show that they have definite qualifications for the post, both by reason of their knowledge of the general administration of the Poor Law and by reason of their professional ability as accountants, and that, as a rule, the possession of such qualifications should be tested by examination or otherwise. The Board accordingly decided that, in future, persons to be eligible as candidates must, as heretofore, be either barristers or solicitors, or members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors, or of the Institute of Municipal Treasurers and Accountants, or have undergone a course of training with a district auditor or have served in the office of the Board, or possess such other qualifications as may be prescribed from time to time.

His salary is paid by the Treasury, but the authorities, other than Poor Law authorities, contribute thereto by means of a duty, paid by means of a stamp on the auditor's certificate of their accounts.

The procedure in relation to the audit is as follows—

1. **Poor Law.** The audit is half-yearly. The District Auditor gives the officers of each parish in the Union 14 days' notice of the day on which he proposes to hold the audit. Books must be deposited, at some convenient place within each parish, 7 clear days, at

least, before the day fixed for the audit, and there be open to the inspection of any person liable to be rated to the relief of the poor of that parish. In the case of an extraordinary audit, 3 days' notice only is given.

2. In all other cases, e.g. an Urban District Council, the audit is yearly, and notice is given by the auditor to the Clerk to the Authority, and need only be 7 clear days prior to the audit. The Clerk publishes the notice forthwith.

Accounts are submitted in duplicate, one copy of which is stamped according to scale; and if the duty is over £5, by impressed stamp. At the conclusion of the audit, the stamp is cancelled by the auditor, and this stamped copy is sent by him to the Ministry of Health. The scale of Stamp Duty is as follows—

Expenditure audited		under		£	s.	d.
Over	£20 and	£20	.	.	5	—
"	£20 and	£50	.	.	10	—
"	£50	£100	.	.	1	—
"	£100	£500	.	.	2	—
"	£500	£1,000	.	.	3	—
"	£1,000	£2,500	.	.	4	—
"	£2,500	£5,000	.	.	5	—
"	£5,000	£10,000	.	.	10	—
"	£10,000	£20,000	.	.	15	—
"	£20,000	£50,000	.	.	20	—
"	£50,000	£100,000	.	.	30	—
"	£100,000	£150,000	.	.	50	—
"	£150,000	£200,000	.	.	60	—

For County Councils, where the expenditure audited is over £200,000, the duty is £60, with an additional £15 for each additional expenditure of £50,000 or part thereof.

In June, 1921, the House of Commons resolved "that the stamp duty chargeable on local authorities in respect of the audit of their accounts by District Auditors shall, instead of being charged according to the existing scale, be charged according to a scale

which shall be fixed by the Treasury, after consultation with the Minister of Health, and shall be such as to secure that the duties levied shall be sufficient to meet the costs incurred in respect of the remuneration, including superannuation allowances and the expenses of District Auditors."

The Public Health Act, 1875, Section 246, provides for a minimum fee of £2 2s. per day for the audit of accounts required under the Act.

The Municipal Corporations Act, 1882, contains no provision for an audit fee for the Borough Accounts.

The Auditor may summon before him any person interested, and require the production of any necessary books and documents. Officials may be required to sign a declaration as to the accuracy of the accounts. Ratepayers have a right to be present and to object to the passing of any item. There are slight differences in procedure between the audits under the Poor Law and Public Health code, the most important being the power under the Poor Law of the District Auditor enforcing an extraordinary audit after 3 days' notice. The fine for non-production of books at the proper time is not exceeding £20 for each offence.

### **DISALLOWANCE AND SURCHARGE.**

The District Auditor possesses power of disallowance and surcharge, that is, of striking out any item of expenditure contrary to law and charging it upon the person or persons responsible for payment. The Auditor may be required to state in writing his reason for so doing.

The Local Authorities Expenses Act, 1887, provides that the District Auditor cannot disallow any expense allowed by the Ministry of Health. Such sanctioned expenditure is always limited to non-recurring items ;

sanction may not be given for continuous expenditure.

**Appeals Against Disallowance.** Where a person is aggrieved by a disallowance or surcharge, such person may—

(a) Apply for a writ of *certiorari* to the King's Bench Division of the High Court to remove the disallowance or surcharge ; or

(b) Appeal to the Ministry of Health, who have power to decide thereon.

The latter may do one of three things—

1. Confirm the disallowance ;

2. Confirm the disallowance, but remit the sum in question under the Local Authorities Expenses Act, 1887 ;

3. Reverse the decision.

Unless an appeal is made against the Auditor's decision, the amount surcharged must be paid within 14 days of the date of the Auditor's certificate. Where such sums are not paid, the Auditor is required by Section 247 of the Public Health Act, 1875, to recover in the same manner as that applicable to the recovery of Poor Rate disallowances, viz.—

(a) By distress and sale ; or

(b) By like procedure to that for the recovery of the Poor Rate, as explained in Chapter IX.

## AUDITOR'S REPORT.

1. To the Ministry of Health. When the audit is completed, the District Auditor forwards to the Ministry of Health a statement in prescribed form, setting forth the prescribed books and accounts which are—

(a) Not kept ; (b) Kept imperfectly ; (c) Kept in a different form from that required by the regulations.

Where the Auditor certifies any sum to be due from

a person he must report forthwith to the Ministry of Health.

2. To the Local Authority. Within 14 days of the completion of the audit, the Auditor must forward a report to the Clerk to the Authority, and the same must be deposited at the office thereof.

#### EXCHEQUER GRANTS AUDIT COMMITTEE.

Important proposals have been placed before this Committee by professional and other bodies, and important recommendations are anticipated from the Report. The question of extending the Government audit to all boroughs is receiving their consideration.

#### SCOTLAND.

In Scotland, the Auditor of the Burgh Accounts is invariably a qualified chartered accountant, over whom the Local Authority has no control. This enables him to act in an independent manner and to submit an unbiased report. The matter is regulated by Sections 91 to 99 of the Town Councils (Scotland) Act, 1900. Section 94 provides that the Secretary for Scotland shall annually appoint an auditor for the purpose of auditing the accounts for the Burgh, and in case of dispute shall, on the application of either party, fix the fee to be paid to such auditor. While the appointment is an annual one, in practice the same auditor is reappointed for a number of years, at least six or seven. Further, the Secretary for Scotland generally appoints a chartered accountant not residing in the district of the local authority. The same arrangement holds good in Parish Councils. Education Authorities and County Councils are referred to in the Chapter on Scotland.

## CHAPTER XI

### PUBLIC HEALTH

#### EARLY LEGISLATION.

PROVISION relating to drains and sewers has from a very early time figured in our national institutions, though not so much for the purpose of sanitation as for the maintenance of dry land and the effectual removal of surface water. In 1532, Commissions of Sewers were appointed for all parts of the country; and while, as the text of the Statute of Sewers, 23 Henry VIII, Ch. 5, demonstrates, the primary object was protection against "the outrageous flowing surges and course of the sea . . . land waters and other outrageous springs," the machinery thus established became, as urban communities increased in population, concerned with (or, at any rate, implicated in) the question of sewerage in the modern sense. But 300 years had to elapse before even proposals for a proper sanitary system of sewerage received any public attention.

Early sanitary legislation was in the form of local legislation introduced by progressive towns. The Industrial Revolution emphasized the necessity for collective action. In 1838 the Poor Law Commissioners constituted under the Poor Law Amendment Act, 1834, took up the question, with the result that, under the influence of the followers of Jeremy Bentham, certain Model Clauses Acts were passed between 1845 and 1847. Systematic sanitary legislation began with the Public Health Act, 1848. This Act, which was the foundation stone of our national sanitary legislation, was inspired by Sir Edwin Chadwick, at one time the private secretary to Jeremy Bentham, and owed much of its success

to Sir John Simon. Previous to this date, action had depended upon the efforts of individual towns, but the existence of cholera in this country in 1847 compelled action to be taken on national lines, and the Town Improvement Clauses Act was passed. The Public Health Act, 1848, provided for the formation of a General Board of Health, which was created for five years, and had power to create Local Boards of Health with extensive sanitary powers. A new Act was passed in 1854 renewing the Public Health Act, 1848, on an annual basis; and in 1858 the functions of the General Board of Health were, by the Public Health Act, 1858, divided between the Home Office and the Privy Council, acting through the Board of Trade. The transfer of these public health powers from the Home Office and the Privy Council, under the provisions of the Local Government Board Act, 1871, resulted, in urban areas, in the vesting of powers in the Local Boards, Boroughs, and Town Improvement Commissioners; and, in rural areas, in the Boards of Guardians. These remained the sanitary authorities until the Municipal Corporations Act, 1882, reconstituted the boroughs, and the Local Government Act, 1894, established the Urban and Rural District Councils. Various Acts were passed from 1871 until 1875, principally as the result of the experimental private legislation of large towns.

### **PUBLIC HEALTH ACT, 1875.**

The Public Health Act, 1875, is the principal sanitary Act. The subject may best be treated in considering this Act. It consists of 11 Parts, 343 Sections, and 5 Schedules. The parts are as follows, viz.—

Part I is preliminary in character and needs no special explanation.

Part II deals with Authorities for execution of the



Act. Every parish, urban and rural, is contained within a sanitary district, the authorities responsible for which, outside the metropolis, is in urban areas either the Urban District Council or the Borough Council, and in rural areas the Rural District Council.

**Part III** contains the sanitary provisions, includes regulations as to sewers, drains, privies, water-closets, and offensive ditches; powers for disposing of sewage, scavenging and cleansing, and collections of matter. A drain is defined as a pipe or channel used merely to communicate between a single building or a block of buildings, and a general receptacle for sewage matter. A sewer includes all channels for the carrying off of refuse, except drains and except such pipes as are under the control of a special road authority. All sewers and drains within any sanitary district, other than those constructed by private persons for their own profit or specially vested in any other authority, belong to and are maintained by the sanitary authority. This authority also enforces the provision of and proper management of closet accommodation in all inhabited buildings, as well as factories and workshops. The sanitary authority may, and if ordered by the Ministry of Health must, either by its own servants or through contractors, undertake the removal of refuse from houses, the cleansing of ashpits and privies in its district, and the construction of proper sewage works for the disposal of such refuse matter.

The following gives a summary of the progress of practical sanitation. In connection with the disposal of sewage, especially in inland towns, enormous quantities of "sludge" are accumulated at sewage disposal works. If a ready means could be found of converting this "sludge" into a useful fertilizer, there was a wide field open to its use. The Oldham Corporation had

erected a plant, under the direction of Dr. J. Grossman, for the purpose of converting the waste products of sewage into marketable commodities such as fertilizers and grease. The science of hygiene was little thought of until the late Dr. Parkes published *Military Hygiene* about the year 1855. before which date many of our English rivers had been turned into open sewers, and the separate system of sewerage and drainage was not generally recognized until about 1884. In that year, Dupré and Dibden conducted aération experiments with sewage; and, although they were not impressed with the results, a patent was granted in 1888 for treating sewage by blowing air into it. American chemists and engineers enlarged upon the idea; then, in 1894, Colonel G. E. Waring applied aération to the treatment of sewage at Wayne, Pa. Experiments in America, in 1910 and 1911, advanced the use of compressed air, and were brought to the notice of Professor Gilbert J. Fowler when he visited the Laurence Experimental Station in 1912. These became the foundation of his own experimental work which became known as the Activated Sludge Process, which has been evolved by Professor Fowler, who, with Mr. W. T. Lockett and Major Mumford, were engaged in experiments on the Manchester sewage. Messrs. Arderfn and Lockett, of Davyhulme, Manchester, carried out a series of experiments. Laboratory experiments on these lines were followed by successful applications to sewage on a larger scale at Manchester and at Salford by Messrs. Melling and Duckworth. In 1915, Messrs. Jones and Attwood, who had become associated with Professor Fowler, applied the system to a large portion of the Worcester sewage and recently to a large scheme at Reading. The war very materially interfered with the development of the process in England, but large schemes have been

installed in America. The removal and disposal of refuse constitutes a very important part of the work of the sanitary authority, as will be realized when it is remembered that the amount of refuse to be disposed of in some of our large cities amounts to as much as 1,000 tons per day.

Water supply and the regulation of cellar dwellings and lodging-houses are also sanitary provisions. These are dealt with in their respective chapters. Any citizen can ask the sanitary authority, as part of its duty, to inspect and report upon the sanitary condition of his house. For the purpose of the Rent and Mortgage Restriction Act, 1920, the local authority can make a charge of 1s. for a certificate. There are provisions relating to nuisances, offensive trades, and unsound food. The officers of a sanitary authority possess important powers to inspect and examine at all reasonable times any meat, vegetables, milk, fruit, and the like, exposed or prepared for sale, and to obtain from a Justice of the Peace an order for the destruction of such of it as actually proves to be unfit for human consumption. Similar powers exist, under the Adulteration Acts, in cases in which the articles in question are not necessarily injurious to health, but are so different from their apparent character as to constitute a fraud upon the public.

Infectious diseases and hospitals, prevention of epidemic diseases, provision of mortuaries, etc., are included under the general description of Infectious Diseases Legislation. The Ministry of Health has powers to make regulations for preventing the spread of epidemic, endemic, or infectious disease; and in particular to order steps to be taken for the speedy interment of dead bodies, the visitation and inspection of houses believed to contain persons suffering from

contagious diseases, and the provision of hospitals and other medical attendance, including nurses for relief purposes. The sanitary authority is responsible for enforcing such regulations in accordance with the Infectious Diseases (Notification) Act, 1889; the Infectious Diseases (Prevention) Act, 1890; the Isolation Hospitals Act, 1893; the Infectious Diseases (Notification) Extension Act, 1890; and the Public Health (Prevention and Treatment of Diseases) Act, 1913. The diseases to which the Acts at present apply include: smallpox, cholera, diphtheria, membranous croup, erysipelas, scarlatina or scarlet fever, typhus, typhoid, enteric, and relapsing, continued or puerperal fever. The Ministry of Health may, on approval, make an order extending the Act to other diseases. For example, under these provisions the Act has been made to apply to plague, pulmonary tuberculosis, ophthalmia neonatorum, and, at the request of the Army Council, to measles.

**Part IV** deals with Local Government provisions relating to highways and streets; public pleasure grounds, etc.; markets and slaughter houses; and police regulations. These are treated in their respective chapters.

**Part V** contains general provisions regulating contracts, purchase of land, arbitration, by-laws, officers, conduct of business of local authorities. A sanitary authority has a general power (within defined limits) of enacting local legislation for the purpose of enabling it to carry out its duties. Such legislation may take the name of by-laws or of regulations according to its nature.

By-laws are practically the statutes or general rules laid down by a local authority for the guidance of the inhabitants of the area under its control. A by-law

must not conflict with "the laws of England," must not be "unreasonable," and, in particular, a sanitary by-law must conform to the provisions of the Public Health Act, 1875, and its amendments. Every sanitary by-law requires confirmation by the Ministry of Health, and public notice of intention to apply for such confirmation must be given. Every by-law must be printed and hung up in the office of the sanitary authority, and a copy given to every ratepayer who applies for it. By-laws must be authenticated by the common seal of the authority, and no sanitary by-law can impose a penalty of more than £5 for a single offence, or, in the case of continuing offences, a further penalty of 40s. for each day during which the offence is continued.

Regulations, as distinct from by-laws, are special rules made by a sanitary authority by virtue of particular powers conferred upon it, and are applicable only to a limited area or class of people within its jurisdiction. The power to prescribe a building line beyond which new buildings cannot be erected is a case in point, or the power to make standing orders governing its own proceedings and the conduct of its officials.

**Part VI** provides the rating and borrowing powers, etc., including the General District Rate, Private Improvement Rate, Highway Rate (to which reference has been made in Chapter IX). Powers of borrowing for the purpose of the Public Health Acts are limited to two years' assessable value, repayable within a period not exceeding sixty years. Audit of accounts of local authorities is dealt with in Chapter X.

**Part VII** contains provision respecting legal proceedings, including the prosecution of offences and the recovery of penalties, etc.

**Part VIII** deals with alterations of areas and the union

of districts. Urban powers may be conferred on Rural District Councils by Order of the County Council under Section 57 of the Local Government Act, 1888. If it is an Urban District, conversion may be made into a Rural District, or the whole or any part of any such district may be transferred from one district to another, and new Urban or Rural Districts may be formed.

### PORT SANITARY AUTHORITIES.

The peculiarities of seaports necessitate a special method of treatment. For this reason, a Port Sanitary Authority is constituted under the Public Health Act, 1875, by Provisional Order of the Ministry of Health. The Order constitutes one or more sanitary authorities the Port Sanitary Authority for the waters of the port as defined in the Order. The area of such an authority consists of the waters of the port and so much of the areas of the abutting authorities as may be determined upon. The sanitary duties of the authority may be performed by the authority or delegated to one of the constituent authorities. The expenses are recovered by precepts issued on the respective local authorities.

**Part IX** provides for the powers of the Local Government Board (now the Ministry of Health), including inquiries by the Ministry, Provisional Orders by the Ministry, power of the Ministry to enforce performance of duty by defaulting local authority, power of the Ministry in relation to local Acts, etc..

**Part X** contains miscellaneous and temporary provisions which are now of little importance; while

**Part XI** provides saving clauses and made provision for the repeal of Acts which were necessary for the enforcement of the Act.

## OTHER PUBLIC HEALTH ACTS.

Other Public Health Acts have been passed supplementing and extending the powers of local sanitary authorities. The following are typical—

**The Sale of Food and Drugs Acts, 1875, 1879, and 1899,** afford an efficient safeguard against the exposure, for sale of food unfit for human consumption.

**The Rivers Pollution Prevention Acts, 1876 and 1893** make provision for the prevention of the pollution of rivers.

**The Canal Boats Acts, 1877 and 1884,** provide for the registration and regulation of canal boats used as dwellings.

**The Public Health (Water) Act, 1878,** stipulates that it shall be the duty of every rural sanitary authority to see that every occupied dwelling house within its district has within a reasonable distance an available supply of wholesome water sufficient for the inmates of the house, both for consumption and for use for domestic purposes.

**The Public Health (Interments) Act, 1879,** enables a local authority to acquire, construct, and maintain a cemetery either wholly or partly within or without its district; to accept a donation of land for the purpose of a cemetery; and to accept a donation of money or other property for enabling it to acquire, construct, or maintain a cemetery.

**The Public Health (Fruit Pickers' Lodgings) Act, 1882,** enables any local authority to make by-laws for securing the decent accommodation of persons engaged in the picking of fruit and vegetables.

**The Public Health (Ships) Act, 1885,** relates to Port Sanitary Authorities, and brings all shipping entering any port within the provisions relating to nuisances contained in the Public Health Act, 1875.

The Margarine Act, 1887, and the Sale of Horse Flesh Act, 1889, provide regulations for the sale of margarine and horse flesh as foodstuffs.

The Public Health Acts Amendment Acts, 1890 and 1907, and the Housing of the Working Classes Acts, 1890, 1900, and 1903, and the Small Dwellings Acquisition Act, 1899, are dealt with in their respective chapters.

The Private Street Works Act, 1892, is considered in the following chapter.

The Cleansing of Persons Act, 1897, permits local authorities to provide for the cleansing and disinfection of persons infested with vermin.

The Factory and Workshop Act, 1901, contains powers respecting the sanitary conditions of factories, workshops, and workplaces ; the prevention of overcrowding ; and the regulation of dangerous and unhealthy industries.

The Midwives Act, 1902, is referred to below.

The Public Health (Regulations as to Food) Act, 1907, enables regulations to be made for the prevention of danger arising to public health from the importation, preparation, storage, and distribution of articles of food.

The Notification of Births Act, 1907, and the Notification of Births (Extension) Act, 1915, are now incorporated in the Maternity and Child Welfare Act, 1918, referred to below.

The Housing and Town Planning, etc., Acts, 1909 and 1919, are dealt with in Chapter XIII.

The National Health Insurance Acts, 1911 to 1921, are considered fully in Chapter XXVI.

The Milk and Dairies (Consolidation) Act, 1915, is to come into operation on such date (not being later than the expiration of one year after the termination of the war) as the Ministry of Health may by an Order direct. The principal provisions relate to registration and inspection, and are of a very far-reaching character.



The Midwives Act, 1918, provides that the local supervising authority may aid the training of midwives whether within or without their area, and may make grants<sup>a</sup> for this purpose.

The Maternity and Child Welfare Act, 1918, provides that every local sanitary authority must establish a Maternity and Child Welfare Committee, which may be an existing Committee of the Council or a Sub-Committee of an existing Committee. The Council may appoint, as members of the Committee, persons specially qualified by training or experience in subjects relating to health and maternity (even though these are not members of the Council). Not less than two-thirds of the members of every such Committee must consist of members of the Council, and at least two members of every such Committee must be women. The duties include those under the Notification of Births Acts, 1907 and 1915. The Committee may make such arrangements as may be sanctioned by the Ministry of Health for attending to the health of expectant and nursing mothers and of children who have not attained the age of 5 years if they are not being educated in schools recognized by and are not being educated in schools recognized by the Board of Education. The Ministry of Health refunds 50 per cent of the approved net expenditure.

The Nurses Registration Act, 1919, establishes a General Nursing Council. This Council must compile a Register of Nurses, consisting of a general register and a supplementary register for male, mental, and sick children's nurses. The Council must draw up rules with regard to the Register, including the conditions of admission. These rules must first be approved by the Ministry of Health. The unlawful assumption of the title of registered nurse is subject to penalties.

The Blind Persons Act, 1920, provides that local

authorities are now responsible for the care and maintenance of the blind, as is explained in Chapter XXIII.

**Officers.** The administration of these Acts entails the appointment of large outdoor and indoor staffs. The outdoor staffs include sanitary inspectors (male and female), disinfecting officers, health visitors, veterinary officers, etc. The indoor staffs include medical officers, clerks, legal assistants, public analysts, bacteriologists, fever hospital administrators, keepers of mortuaries, etc. The Public Health (Officers) Act, 1921, which comes into operation on 1st April, 1922, provides that a full-time Medical Officer of Health and Sanitary Inspector is removable by the local authority, with the consent of the Ministry of Health or by the Minister, but not otherwise.

**Rates.** There is no statutory limitation to the amount of rates for public health purposes.

**Loans.** The amount of loans outstanding for public health purposes must not exceed twelve months' assessable value, or, with the approval of the Ministry of Health, after a local inquiry, two years' assessable value, and provision must be made for redemption within sixty years.

#### SCOTLAND AND IRELAND.

The public health powers of local authorities in Scotland and Ireland are very similar to those of the corresponding authorities in England and Wales. In some instances the legislation relating to these countries is included in separate Acts, some of which have been passed a year or more after the Acts relating to England and Wales. In Scotland, since the creation of the Board of Health, the co-ordination of powers has become more apparent.

## CHAPTER XII

### HIGHWAYS, STREETS, AND BRIDGES

#### HIGHWAYS.

THE King's Highway is a perpetual right of passage in the sovereign, for himself and his subjects, over the land within his kingdom. A highway is defined by Blackstone as "a public road which all subjects of the realm are entitled to use." It may be a public foot-path, bridle path, drift way, or a high road. The oldest existing highways are the Roman Watling Street, which runs from Dover to London and from London to Chester, and the Fosse Way, which runs from Somerset to Lincoln. "Way Wardens'" duties were performed by the Overseers in the reign of Queen Elizabeth.

The first statute which organized the maintenance of roads was passed in 1555, and created the office of Surveyor of Highways, and established the obligation on the part of the occupying inhabitants to contribute labour and materials to carry out the work.

During the seventeenth and eighteenth centuries considerable progress was made, principally through Turnpike Trusts. Two men—Thomas Telford and James Loudon Macadam—had much to do with this development. Macadam's idea was to have a road crust made by small stones, which is now known as macadam roads. This crust is nowadays made by a combination of pitch and stone.

The General Highway Act, 1835, was virtually the next Act which developed the system of maintenance for each parish, and empowered it to levy a rate. The Act also sanctioned the appointment of a surveyor,

who might be a salaried official, for each parish. Experience proved that the unit of the parish was too small, and the Public Health Act, 1848, made the new Local Boards of Health, as the urban sanitary authority, the Surveyors of Highways.

The Local Government Act, 1894, definitely abolished both the Highway Districts and Highway Parishes, merging them into Rural Sanitary Districts.

**Main Roads.** Main roads are often called "County Roads," and are the great arteries along which the main traffic flows. The Ministry of Transport have completed a classification of first-class and second-class roads in Great Britain. Main roads outside the area for which a county borough is responsible are repairable by the County Council, but in certain cases a Rural District Council may repair a main road upon terms arranged with the County Council. The majority of the main roads are, however, repaired by the County Councils in accordance with the Local Government Act, 1888. The Highways and Locomotives (Amendment) Act, 1878, provided that the County Council may declare any important highway to be a "main road." On the other hand, the same authority may apply to the Ministry of Health for an Order declaring that a main road or any part of a main road shall cease to be such and become an ordinary highway. High roads are those which are only considered fit to serve a certain locality.

**Secondary Roads.** Secondary roads are all other roads which have been adopted, and are therefore maintainable by "the inhabitants at large." They are administered by the sanitary authorities, viz., the Borough, Urban, or Rural District Councils.

The expression "Ordinary Road," or "District Road," is usually applied to a highway road repairable by the

borough or district council within whose area it lies. A "Private Road," or "Occupation Road," is a road which is not a public highway, but made for private purposes. The word "Street" generally means a road which has houses built more or less continuously on one or both sides of it.

**Highways.** Highways may be created by statute, by dedication to the public by the owner subject to acceptance by the local authority, or by "right-of-way." At common law, the maxim was "Once a highway, always a highway."

Highways may be diverted or stopped when sufficient cause is shown. The present method of stopping up or diverting highways is under Sections 84, 85, of the Highway Act, 1835, and the requisites are, briefly, as follows: (1) a resolution of the Borough or Urban or Rural District Council by order in writing to the surveyor to apply to the justices; (2) notices and formalities prescribed by the Act, including an application (made under the seal of the authority) to two justices to "view"; (3) a certificate of two justices, after a "view," that the road is unnecessary, or the diverted road equally convenient; (4) consent in writing of any landlord through whose land it is proposed to divert any highway; (5) in rural districts, the consent of the Parish Council, which may be vetoed by the Parish Meeting; (6) an order of Quarter Sessions to which any party aggrieved may appeal under Section 88 of the Highway Act, 1835.

**Repair of Highways.** Prior to 1894, the principal highway authority was the "Surveyor of Highways" in a highway parish; the District Highway Board in a highway district; and the Local Board of Health, the Borough Council, or the Improvement Commissioners in an urban sanitary district. The local authorities, who are now

responsible for the repair of all highways that have been accepted as repairable by the public are the Urban and Rural District Councils, and the Borough Councils. These local authorities have, as respects highways, all the powers, duties, and liabilities of a Surveyor of Highways appointed by the Parish Vestry under the Highways Act, 1835, and also of an urban sanitary authority under the Public Health Act, 1875. A highway cannot be adopted or "taken over" unless it is deemed to be necessary, is properly made, and has been inspected and passed by the Justices. After this it must be used by the public for twelve months, during which time the person offering the road to the public must himself repair it. Local authorities may, however, agree to accept the road without the intervention of the Justices and without asking for twelve months' repair. By Section 149 of the Public Health Act, 1875, all streets repairable by the inhabitants at large within an urban district are vested in and under the control of the urban authority; and any person who, without the consent of the urban authority, wilfully displaces or takes up, or who injures the pavement, etc., is liable to a penalty. This is the reason why the licence or consent of a local authority is often sought by contractors and bodies possessing statutory trading powers in connection with street works.

**Private Improvements.** There are two distinct codes under which private streets may be improved at the expense of the owners and adopted by the local authority—

- (1) Under the Public Health Acts, 1875 and 1890.
- (2) Under the Private Street Works Act, 1892.

The difference in procedure, etc., is as follows—

Under the Public Health Acts, the local authority issues orders upon the owners to carry out the necessary

improvements within a specified time, and may only execute the work themselves upon default of the owners. The Surveyor apportions the expenses. All the expenses must be apportioned on the owners, and the local authority cannot contribute thereto. Any disputes may be settled by arbitration, or appeals may be made to the Ministry of Health, whose decision is final. Outstanding debts may be recovered summarily and the amount cannot then be questioned, but only irregular procedure. Interest on outstanding amounts may be charged at 5 per cent from the date of demand. An anomaly of this code lies in the fact that only "frontagers" can be charged, whereas the property of other owners may benefit by the improvements.

The **Private Street Works Act, 1892**, facilitates the method of adoption of private streets.

The Act is adoptive by an Urban Sanitary Authority by resolution passed at a meeting after one calendar month's notice has been given to every member of the local authority. The Act may be extended by the Ministry of Health to any rural sanitary district. Once adopted, it excludes for ever procedure under the Public Health Acts. The proceedings are as follows—

Where any private street or part of a private street is not sewerred, levelled, paved, metalled, flagged, channelled, made good, and lighted to the satisfaction of the local authority, the authority may resolve to undertake the work, and the expenses incurred shall be apportioned on the premises fronting, adjoining, or abutting on such street or part of a street. The owners are not called upon to execute the works in the first place as under the Public Health Acts.

For the purpose of bringing the Act into operation, the surveyor shall prepare—

(a) A specification of the works referred to in the

resolution, and public notice of the works and deposit of plans must be given.

(b) An estimate of the probable expenses of the work.

(c) A provisional apportionment of the estimated expenses.

In such apportionment the authority may, if it thinks just, have regard to the greater or less degree of benefit given to any other property by the improvement and the amount of any work already done, and may themselves contribute towards the expenses.

Owners must object to the proposed work within one month of the Public Notice, and the Act lays down the only valid objections which can be made. The objections are determined by a Court of Summary Jurisdiction and cannot afterwards be raised. If the objection is fatal to the proposed works, no further expenditure may be incurred; but other objections may be dealt with by amendments and the work proceeded with.

When the works have been completed, and the expenses thereof ascertained, the local authority must make a final apportionment, and any premises included must remain charged with the sum, together with interest at the rate of 4 per cent per annum from the date of apportionment.

### FOOTPATHS.

Footpaths were seldom known prior to the nineteenth century. By the Local Government Act, 1894, the District Council was made liable for the maintenance of footpaths as well as highways. It is the duty of the District Council to protect all public rights of way, and to protect wastes from encroachment. In case of default, the Parish Council may petition the County Council.



By the Local Government Act, 1894, the Parish Council was empowered to undertake the repair and maintenance of all or any of the public footpaths within the parish, not being by the side of a public road. It has also the right of vetoing the stopping up or the diversion of any public right of way.

### BRIDGES.

The making of bridges was not made part of the common duty of any public authority until 1888, when it was entrusted to the County Council. Prior to this date, however, the law required their maintenance in repair by the local authority. When a bridge had once been erected, it became a matter of obvious public convenience that it should be maintained.

Since the formation of the County Councils in 1888, those public bridges known as "County Bridges" (except those within and repairable by boroughs) are repaired by the County Councils. All other bridges which have continuously been used by the public, although the Council may deem them unnecessary, must be kept in repair by the private owner on terms agreed upon. A County Council may also purchase or take over any existing bridges which are not "County Bridges." It may also erect new bridges, and repair and improve them.

### THE ROADS ACT, 1920.

This is a complicated measure which provides for the making of regulations with respect to the registration of vehicles; the identification marks or signs to be fixed on the vehicles; the particulars to be supplied; the registration books to be issued; the register for the vehicles for

which dealers take out general licences, etc. The Act provides for the levying by County Councils (including County Borough Councils) of duties on mechanically-propelled vehicles and other carriages. Such duties must be paid into the Exchequer, and a corresponding amount paid out of the Consolidated Fund to the Local Taxation Accounts and to the Road Fund. The Road Fund is to be established under the Act, and to be under the control and management of the Ministry of Transport. Payments out of the Road Fund are to be made to County Councils, for their expenses in connection with the levying of the duties, the registration of vehicles, the issuing of licences to drivers, etc. ; and to local and police authorities, in lieu of the fees and charges which they have hitherto received in the licensing of mechanically-propelled hackney carriages. Payments are also made from the Road Fund of such sums as are authorized by the Minister in respect of the salaries and establishment charges of engineers or surveyors to local authorities under Sub-section (2) of Section 17 of the Ministry of Transport Act, 1920, referred to in Chapter V.

**Officers.** The principal officer is the Surveyor, who was first appointed under the Highways Act, 1835. The Towns Improvement Clauses Act, 1847, imposed the duty on local authorities to appoint a local surveyor, and this appellation was re-enacted under the Public Health Act, 1875. The office is now combined with that of the Public Health Engineer. In large urban areas we have the office of " Borough (or City) Engineer and Surveyor to the Urban Sanitary Authority." In small urban areas and rural districts, the office is often combined with that of the Inspector of Nuisances. The powers of the Ministry of Transport are referred to in Chapter V.

**FINANCE.**

The expenses in connection with the construction and maintenance of highways, streets, and bridges (other than private improvements) are part of the public health charges of the respective local authorities.

The Development and Road Improvement Funds Acts, 1909 and 1910, together with the Ministry of Transport, are referred to in Chapter II.

**SCOTLAND.**

The main roads of Scotland were, in the first place, constructed during the seventeenth century, under the direction of General Wade, for military purposes. Many of these were found to be unsuitable for civilian traffic and Telford was called upon to prepare a scheme which was adopted. At the present time, the roads are administered by the same class of authority as in England and Wales.

**IRELAND.**

The roads of Ireland have always been in excellent condition, and at the present time are maintained by the same class of authority as in England and Wales.

## CHAPTER XIII.

### HOUSING

THE problem of housing is due, among other causes, to past negligence on the part of the legislature, which first approached the subject on national lines in 1851, and to the growth of sanitary knowledge with a recognition of the connection between bad housing and ill-health. It is generally admitted that neglect of housing and town planning in the past is the prime cause of those narrow and insanitary streets and courts which are the usual heritage of an old town. These slums place a great burden of unnecessary suffering upon the unfortunate members of the community who inhabit them. Statistics contained in a Medical Officer of Health's Report on the insanitary area of an industrial town, gave the infantile death rate as 263 per 1,000. The result of re-housing has contributed to reduce the general mortality rate from 50 per 1,000 to 27 per 1,000 in certain areas, while typhus fever is now practically extinct.

The increased cost of building and the high rates, together with attractiveness of alternative investments and more stringent building regulations, checked the supply of houses even before the war. The cessation of building operations during the war, and the difficulty of commanding an economic rent, have discouraged private enterprise, with the result that there has been a further reduction in the supply of houses.

The greater philanthropic interest in the welfare of the working classes has been shown in the establishment of Housing Trusts, which have in some instances formed models for further action.

Another cause of the housing problem has been the demand by the worker for a higher standard of life.

## LEGISLATION.

The legislation is now contained in the Housing of the Working Classes Acts, 1890 to 1903, and Part I of the Housing, Town Planning, etc., Acts, 1909 and 1919. These are referred to as the Housing Acts, 1890-1919. The Act of 1890 is known as the Principal Act. It is remedial, constructive, and preventive.

The authorities responsible are, in urban areas, the Borough or Urban District Council; in rural areas, the Rural District Council; in the Metropolis, the London County Council, the City Corporation, and the Metropolitan Borough Councils.

**Housing Committee.** A local authority may appoint as many persons as it may think fit for the purposes of the Housing Acts, to constitute a Committee, provided that a Committee so appointed must consist, as to a majority of its members, of members of the appointed authority.

Remedial provisions provide for Improvement Schemes, Reconstruction Schemes, and Unhealthy Dwellings.

**Improvement Schemes Under Part I of the Act of 1890, for Large Areas.** These are prepared upon representation of the Medical Officer of Health or any Justice or six ratepayers, or the Ministry of Health. The local authority considers whether it possesses the means, and a scheme is drawn up, and advertised, and notices served on owners. It must provide for re-housing a percentage of the dispossessed, unless the Ministry of Health otherwise decides. The scheme may include land and buildings, in addition to the insanitary area. The local authority prepares an estimate of the cost and a statement showing separately the land which is taken by agreement and that which is taken compulsorily.

The Ministry of Health holds a local inquiry and may confirm the scheme, with or without modifications. The scheme as approved must then be put into

operation by the local authority. The Ministry of Health may make an Order fixing the time within which the work is to be done, and the local authority must carry out the scheme; or, if it fails to do so, the County Council or Ministry of Health will do the work at the expense of the local authority. Where the Ministry of Health is satisfied that a local authority ought to prepare an improvement scheme, and the local authority fails within a prescribed time to do so, the Board may authorize the County Council to prepare and carry out the scheme, or may itself prepare and carry it out.

Where compensation is paid for land acquired compulsorily, "the compensation to be paid for the land, including any buildings thereon, shall be the value, at the time the valuation is made, of the land as a site cleared of buildings."

**Reconstruction Schemes.** It is sometimes advisable for the local authority to require alterations to be made to some houses which, while of sound and good construction, are nevertheless without sufficient open space and conveniences or with some structural defect. For these purposes, Reconstruction Schemes may be prepared upon similar representations, as in the case of Improvement Schemes, but in this case, under Part II of the Act of 1890 and Part I of the Housing and Town Planning, etc., Acts, 1909 and 1919.

When such a scheme is drawn up, notices are served on owners, but the scheme need not be advertised.

An inquiry is held and similar procedure adopted to that in the case of Improvement Schemes.

**Unhealthy Dwellings.** Section 17 of the Housing; Town Planning, etc., Act, 1909, gives power to the local authority to inspect its district, and if it finds any insanitary dwellings it may serve an order on the owner to remedy them.

Any house considered unfit for human habitation must be closed by a "Closing Order." This power was transferred from the magistrates to the local authority by the Housing of the Working Classes Act, 1903.

Action may be taken by the Medical Officer of Health, any Justice of the Peace acting for the district, or any four or more householders. Notice is served on the owner, who has a right of appeal to the Ministry of Health.

If the owner does not put the dwelling in a sanitary condition within three months, the local authority may issue an order for demolition, whereby the owner must proceed to take down and remove the building. If the owner fails, then the local authority must proceed to do so, and must sell the materials and, after deducting the expenses incident thereto, pay over the balance of money (if any) to the owner.

**Constructive Schemes.** The constructive provisions under Part III of the Act of 1890 and Part I of the Housing and Town Planning, etc., Acts, 1909 and 1919, are applicable to the whole country.

The Housing, Town Planning, etc., Act, 1919, provides that it is the duty of every local authority, within three months after the passing of the Act, or within three months after notice has been given to it by the Ministry of Health, to prepare a scheme either solely or jointly, and to carry it out within the time specified in the scheme. The scheme must be submitted to the Housing Commissioner, together with estimates and the amount of loan required, if any. The estimates are drawn up in accordance with the Schedule of the Regulations of the Ministry, and include (a) sewerage, (b) roadways, (c) footways, (d) kerbing and channels, (e) miscellaneous (including lighting). The scheme may include houses, shops, recreation grounds, social institutes, and places of worship.

Where the local authority has failed or is not prepared to fulfil its obligations as to the preparation of schemes under this Act, or its obligations under any such scheme, or where it is desirable that any such obligation should be performed otherwise, the Ministry of Health may transfer its powers to the County Council or may itself carry out the obligation. In either case the expense thereof may be recovered from the local authority.

For the purpose of the Acts, the local authority may acquire land either by agreement, or compulsorily as provided by the Acquisition of Land Act, 1919 (*see* page 163). The Act of 1919 enables a local authority to purchase land in anticipation of its requirements. After "Notice to Treat" has been served on the owners or reputed owners, the local authority may enter into possession after 14 days.

The local authority may build and manage houses suitable for working-class dwellings; and may lay out public streets or roads and open spaces on land which they have acquired.

Local by-laws are not to apply if they are inconsistent with any plans for a housing scheme which has been approved by the Ministry of Health.

Local authorities are given express powers to acquire existing houses and to make any alterations necessary to render them suitable in all respects for working-class dwellings. For this purpose, local authorities are empowered to vary the terms of a lease which, while not preventing conversion, would render it impossible to effect the structural alterations, and may advance money to private owners.

Land which the local authority have acquired may be leased to any person who will undertake to build the class of house required, subject to the consent of the Ministry of Health. Under the Municipal Corporations



Act, 1882, Borough Councils may lease or sell land belonging to the municipality, provided it is used for the housing of the working classes.

**Public Utility Societies.** The local authority may promote the formation of Public Utility Societies, registered under the Industrial and Provident Societies Acts, by adopting any or all of the measures detailed in the next paragraph and may guarantee the payment of interest on loans ; if necessary, acquire land for them.

Loans may be granted to Public Utility Societies repayable within 50 years, limited to three-fourths total cost of scheme. Any local authority may also assist such societies (a) by making grants, (b) by subscribing for any share or loan capital, (c) by guaranteeing or joining in guaranteeing the payment of interest or money borrowed by the society. This is a direct encouragement of the Garden City movement.

The Housing, Town Planning, etc., Act, 1919, provides that the Ministry of Health may, with the consent of the Treasury, pay part of the loss on any scheme out of money provided by Parliament. Local liability will be limited to a penny rate, provided the local authority complies with the requirements of the Treasury and the Regulations of the Ministry of Health. A complete revision of the financial position will be made on the 31st March, 1927, by which date it is anticipated that stable conditions may have been reached as regards both building prices and the rents of houses.

The Housing (Additional Powers) Act, 1919, provides for grants to persons or bodies to construct houses for the working classes, or to meet expenses in converting houses into flats for the accommodation of the working classes. It empowers local authorities to raise money by issue of Local Housing Bonds, and to acquire land for

garden cities and town planning schemes. Where a local authority issues Housing Bonds the Ministry may sanction that *all* the Bonds of the local authority be Trustee Securities (1919 Act). The amount of any such grant is fixed by the Ministry of Health.

The Small Dwellings Acquisitions Act, 1899, and Part III of the Housing and Town Planning, etc., Act, 1919. These Acts may be adopted by the local authorities responsible for housing, whereby the local authority may advance four-fifths of its own valuation of any house to any ratepayer, if he intends to occupy it. The value must not exceed £800, and the rate of interest must not exceed one-half per cent above the rate at which the local authority can borrow from the Public Works Loan Commissioners. A receipt under seal may convey property free of stamp duty and free of cost to purchaser, but purchaser may require re-conveyance at his own expense.

### PREVENTIVE PROVISIONS.

Section 17 of the Housing and Town Planning, etc., Act, 1909, provides that in the case of houses where the rent is not more than (a) £40 per annum in London ; (b) £26 per annum in an urban area of 50,000 population ; (c) £16 per annum elsewhere. There is an implied warranty, on the part of the landlord to a tenant, that the house is reasonably fit for human habitation during tenancy, unless the letting is on lease for three years or more and the lessee is responsible for repairs.

The local authority is required to make periodical inspection of its district for the purpose of ascertaining, whether any houses are unfit for habitation, and to keep records of them. Where a house is so discovered, then the local authority proceeds as described in the paragraph on Unhealthy Dwellings (page 159).

Action may be taken against any person or local authority if excessive sickness is traceable to bad housing or insanitary conditions in any locality, as provided by the National Health Insurance Acts.

**The Housing Act, 1921.** The main purpose of the Act is to provide for the continuance of the subsidy to the private builder for a further period of twelve months. Local authorities are given powers under the Acts in connection with housing schemes outside their own areas. County Councils are empowered to raise money to finance housing schemes of local authorities. The Minister of Health has power to impose conditions on the raising of loans for such purposes.

#### **RATES.**

The expenses incurred by a local authority in the execution of the Housing Acts must be defrayed as general expenses of the Council in the execution of the Public Health Acts.

#### **LOANS.**

Money borrowed for the purpose of the Housing Acts is not reckoned as part of the debt of the local authority for the purpose of the limitation on borrowing under the Public Health Acts. Repayment may be spread over a period not exceeding 80 years for land and 60 years for buildings.

#### **ACQUISITION OF LAND.**

The Acquisition of Land (Assessment of Compensation) Act, 1919, provides for the setting up of a tribunal (known as the Reference Committee) for assessing compensation in respect of land compulsorily acquired for ALL public purposes, including housing. For this purpose, persons with special knowledge in the valuation of land are to be appointed by the Reference Committee.

This Committee consists of: For England and Wales, the Lord Chief Justice of England, the Master of the Rolls, and the President of the Surveyors' Institution; for Scotland, the Lord President of the Court of Session, the Lord Justice Clerk, and the Chairman of the Scottish Committee of the Surveyors' Institution; for Ireland, the Lord Chief Justice of Ireland, the Master of the Rolls in Ireland, and the President of the Surveyors' Institution. The Act also states rules for the assessment of compensation. In the Act provision is made as to procedure before official arbitrators and as to costs. Various aspects relating to the effect of the Act on existing enactments are dealt with, and provision is made for finality of award and statement of special cases.

#### ACCOUNTS.

Accounts of all local authorities under the Assisted Housing Schemes must be kept separately and upon Income and Expenditure basis. Such accounts are subject to audit by the District Auditor of the Ministry of Health in accordance with the Housing Accounts Regulations of 31st March, 1920.

#### SCOTLAND.

The Housing of the Working Classes in Scotland has been the subject of a separate Royal Commission which reported in 1917. The problem is peculiarly a national one by reason of the large proportion of the population who live in tenements in the urban areas, and of the poverty of the inhabitants and many of the landlords in the crofter counties. The Housing, Town Planning, etc., Acts, have been made applicable to Scotland.

#### IRELAND.

The housing problem in Ireland has been the subject of special legislation, which is referred to in the chapter on Ireland.

## CHAPTER XIV

### TOWN PLANNING

#### EARLY EXAMPLES.

THE art of town planning is by no means a new one and has been practised for many centuries. Kahun, in Egypt, is perhaps the earliest example of town planning yet discovered, and dates back to 2500 B.C. The town, which was constructed for the housing of the workmen engaged in building a pyramid (Illahun), was evidently planned by one architect. In the centre of the streets, which probably sloped down to the middle, lay channels of stone, a fact which shows that a system of drainage existed even in those times. Babylon was also town-planned. The city itself was traversed by a wide road, which was evidently used for processional purposes, and all other streets were straight and intersected one another. It is also evident that town planning, as an art, was practised in Greece in the fifth century, for Aristotle, in his writings, refers to the work of Hippodamus, who is the first town planner known in history, and who, without a doubt, planned Piraeus, the port of Athens. Hippodamus has left no direct records of his theories regarding town planning, but it is clear that he had definite principles as to the grouping of houses and the lay-out of streets. During the early Christian era, a large number of cities, including London and Chester, were town planned.

The earliest form of town planning is to be seen in the rectangular streets in Greece and Rome. For many years after the downfall of the Roman Empire, town

planning in Western Europe was practically lost sight of. The system was revived at the time of the Renaissance. In the sixteenth century the Italian cities vied with each other in the widening and straightening of their streets. After the Great Fire of London, Sir Christopher Wren received a Royal Command from Charles II to survey London and produce a plan of a new city. The plan was duly prepared and submitted to the King and Parliament, but a great chance for the re-planning of London was lost, owing to the unwillingness of the King and Parliament to force the scheme on the narrow-minded citizens, who, it seems, strongly resented the cost which was involved. During the seventeenth and eighteenth centuries, several squares developed in London. The first of these to be laid out was Lincoln's Inn Fields, which was copied from the Place Royale in Paris. This was followed by the planning of Bath and Edinburgh, the latter being planned by James Craig, a local architect, whose ideas were chosen as the best in open competition. This was followed by the numerous squares in the West End of London. Before the Public Health Act, 1875, the lack of cohesion in the development of estates stood out most prominently, and very little consideration was given to air, light, or sanitation.

#### PRESENT LEGISLATION.

The law is now contained in the Land Clauses Consolidation Act, 1845, the Town Improvement Clauses Act, 1847, the Public Health Acts, and Part II of the Housing, Town Planning, etc., Acts, 1909 and 1919. In 1908 the Liverpool Corporation (Streets and Buildings) Act was passed, giving that city powers in addition to the general Acts. This Act is still in advance of the general legislation.

The object of these Acts is to ensure (by means of schemes which may be prepared by either local authorities or landowners) that land in the vicinity of towns shall be developed in such a way as to secure proper sanitary conditions, amenity, and convenience in connection with the laying out—not only of the land itself, but also of any neighbouring land.

The relation of Town Planning to Housing will be appreciated when it is remembered that before sanctioning a housing scheme, the Minister of Health requires to be satisfied not only that the site is a good one for building purposes, but also that it is a locality which, having regard to the district as a whole, will be suitable for working-class dwellings. He requires a well-considered lay-out plan which will secure advantageous placing and streets arranged with due regard to the needs of through traffic and to the development of the surrounding area. To this extent, the new housing schemes include town planning.

The Acts may be put into operation by—

(a) All or any of the landowners, who may formulate a scheme, which, if approved by the Ministry of Health, must be adopted by the local authority;

(b) The local authority, viz., the Council of any borough, urban or rural district, which may prepare a scheme, but before expending public money the sanction of the Ministry of Health must be obtained. Joint Committees may be formed for the purpose;

(c) Anyone else, who may make a representation to the Ministry of Health that a scheme should be prepared.

The Ministry may, after public inquiry, make an Order accordingly. This Order would be administered by the local authority. (In practice, this has not yet been done.)

The area of the scheme may be—

(a) Any land which is in course of development; or

which appears likely to be used for building purposes ; or for open spaces, roads, streets, parks, pleasure or recreation grounds, or incidental works ;

(b) Land already built upon ; and the scheme may provide for demolishing or altering existing buildings ;

(c) Land not likely to be built upon, if, in any case, it is so situated that it ought to be included in the scheme.

A local authority may be authorized to prepare a scheme for land within or in the neighbourhood of their area.

### PROCEDURE REGULATIONS.

The procedure regulations for adoption of a scheme were revised as from 2nd May, 1921, and are as follows—

The regulations provide for the preparation of a town planning scheme in three stages—the resolution to prepare ; the preliminary statement ; the scheme. It is open to any local authority to merge the two former or two latter stages where they are in a position to do so.

**Stage I—Resolution Deciding to Prepare Scheme.** This resolution must define, by means of a map known as Map No. 1, the exact area which is to be included in the scheme. This map must be deposited for inspection and advertised. A copy of the resolution and of the map must be sent to the council of the county and of any local authority whose area is included.

**Stage II—Preliminary Statement of Proposals.** Within six months of their resolution, the local authority must prepare a Preliminary Statement and Map No. 2 showing their main proposals for the development of the area covered by the scheme, e.g. the principal new roads ; open spaces ; restrictions in regard to character of buildings, etc. ; density of buildings ; and height of



buildings. Before adopting the Statement, the local authority must give notice in the Press of their intention to do so, and make arrangements for any interested person to inspect the map and the draft statement. Objections are to be considered and conferences held. The Minister, after arranging for any necessary visit to the area, may approve, with or without modifications, or disapprove. The local authority must advertise approval and their intention to proceed with the detailed scheme.

### Stage III—Preparation and Approval of Scheme.

(a) Preparation of Draft Scheme, together with Map No. 3, within twelve months of date on which the Preliminary Statement is approved by the Minister.

(b) Submission of Scheme, together with Map No. 4, to Minister within six months of resolution of local authority adopting draft scheme.

(c) Approval of the Scheme by the Minister after a public local inquiry. An Order will be issued and notice of the fact inserted in the Press, and a copy open to public inspection.

A scheme, when approved by the Ministry of Health, has the same effect as an Act of Parliament, and provision is made that a local authority must proceed to give effect to the scheme with all reasonable speed. A scheme may be varied or revoked. Where a scheme is revoked by an Order of the Ministry of Health, any person incurring expenditure in complying with the scheme is entitled to compensation. If the local authority fails to prepare a scheme, or to adopt a scheme, or refuse to consent to modifications, the Ministry of Health may enforce compliance by *writ of mandamus*.

The Housing, Town Planning, etc., Act, 1919, provides that it is unnecessary for a local authority

to obtain the authority of the Ministry of Health to prepare and adopt a town planning scheme. But where land which lies within the area of another local authority is included, the approval of the Ministry of Health is still required, as well as the approval of the other local authorities concerned. By resolution, a local authority may decide to prepare a scheme with reference to any land within or in the neighbourhood of their area ; or to adopt, with or without any modification, any scheme proposed by all or any of the owners of any land with respect to which the local authority is itself authorized to prepare such a scheme.

It is desirable that there should be one town planning scheme for the whole of an area forming an economic unit. Where any local authorities are desirous of acting jointly in the preparation or adoption of a scheme, they may appoint a Joint Committee for the purpose.

The Council of every borough or other urban district containing on the 1st January, 1923, a population of over 20,000 according to the last census, must submit a scheme in accordance with the regulations of the Ministry as laid before Parliament. Such scheme must be submitted to the Ministry within three years after 1st January, 1923.

At any time, after holding a public local inquiry, the Ministry may make an Order requiring any local authority to prepare and submit for approval a town planning scheme, and requiring the local authority to enforce and carry out an approved scheme.

#### EXPENSES.

The expenses of the local authority for the purposes of town planning are to be defrayed as expenses of the authority under the Public Health Acts.

**LOANS.**

The provisions of the Public Health Acts in respect of borrowing apply to loans for town planning. Money so borrowed is not to be reckoned as part of the debt of a borough or urban district for purposes of the limitation on borrowing under the Public Health Acts. Repayment may be spread over a period not exceeding 80 years.

**SCOTLAND AND IRELAND.**

The legislation does not extend to Scotland and Ireland and the Acts relating to same are referred to in the respective chapters.

## CHAPTER XV .

### THE ADOPTIVE ACTS (INCLUDING SMALL HOLDINGS AND ALLOTMENTS ACTS)

THE Adoptive Acts constitute a form of tentative legislation and are examples of permissive local government legislation. They are concessions to a reluctance on the part of the legislature to legislate for a locality without its consent. At the same time they enable progressive and enlightened localities to proceed with movements for the social, material, and moral improvement of the district, with the minimum of inconvenience and expense. These Adoptive Acts may be divided into two classes, viz., sanitary Adoptive Acts, which may be adopted by any sanitary authority or Rural or Urban District Council or Borough Council ; parochial Adoptive Acts, which may be adopted by any Parish Council (with the approval of the Parish Meeting), and by any Urban District Council or Borough Council.

#### SANITARY ADOPTIVE ACTS.

The Sanitary Adoptive Acts constitute the permissive legislation of Local Government for sanitary purposes.

The Public Health Acts Amendment Act, 1890, is divided into five Parts, viz. : Part I, General, has reference to the adoption of the Act, expenses and legal proceedings of local authorities, and appeals ; Part II, Telegraph, etc., Wires, provides for by-laws for prevention of danger from telegraph wires, etc. ; Part III, Sanitary, is dealt with in Chapter XI ; Part IV, Music and Dancing, makes provision for music and dancing licences ; Part V, Stock : An urban sanitary authority, either in their capacity as urban authority or in any other capacity, having power to borrow money, may,

with the consent of the Ministry of Health, exercise such power by the creation of stock, to be created, issued, transferred, dealt with, and redeemed in such manner and in accordance with such Regulations as the Ministry of Health may from time to time prescribe. Stock Regulations dated 1891, 1897, 1901, and 1921 have been issued by the Ministry of Health.

Part III only is adoptive by any rural sanitary authority. Parts II to V may be adopted by any urban sanitary authority.

The Museum and Gymnasium Act, 1891, gives power to urban sanitary authorities to provide and maintain museums and gymnasia. The Libraries Act, 1919, abolished the limitation as to rating and provided that Museum and Gymnasium expenses should be chargeable in boroughs on the Borough Fund and in urban districts on the General District Fund. New museums may only be provided in connection with a free public library.

The Private Street Works Act, 1892, provides facilities for the recovery from the owner, under certain circumstances, of expenses of making streets. (See Chapter XII.)

The Open Spaces Act, 1906, gives power to local authorities to take over, from Trustees or Corporations (other than municipal Corporations) sanctioned by local Acts, open spaces and burial grounds, including disused burial grounds. Local authorities may acquire and maintain open spaces or burial grounds, and may make by-laws for the regulation thereof. These powers may readily be used in connection with the recreational facilities under Section 17, Education Act, 1918.

#### PAROCHIAL ADOPTIVE ACTS.

The Parochial Adoptive Acts include the following—

The Lighting and Watching Act, 1833, enables a parish to provide or enter into contracts for the

provision of lighting the roads, streets, etc., with lamps. It is adopted by a two-thirds majority of a Parish Meeting. If there is no Parish Council within the parish the Act may be put into operation by "Inspectors," elected by a majority of the ratepayers. The "Watching" powers, with the exception of the provision of fire engines, are largely superseded by the modern Police Acts referred to in Chapter XVII.

The Baths and Washhouses Acts, 1846 to 1899, are adopted by a two-thirds vote in a parish meeting which has been called for that purpose on at least seven days' notice. Ten Local Government electors may, by a written requisition, compel the calling of a meeting for the purpose of providing baths, gymnasias, and washhouses. The Council may buy land and erect buildings, or buy and adopt buildings, and also, with the consent of the Ministry of Health, borrow money for permanent expenses. The Council may also purchase baths. Accommodation may include public baths, covered swimming baths, gymnasias, open bathing places, washhouses, open drying grounds, and furniture. Twice as many baths must be provided for the "labouring classes" as for the "higher classes."

The Burial Acts, 1852 to 1906, and the Public Health (Interments) Act, 1879, are referred to at the end of the present chapter.

The Public Improvement Act, 1860, makes provision for public walks and playgrounds (recreation grounds), the improving of any existing walk or footpath, and the providing of shelters and seats. The Act may be adopted by any parish with a population of 500 at the last census, by a two-thirds vote in the parish meeting. A copy of the resolution adopting the Act must be sent to the Ministry of Health. The Council is limited to an expense equal to a rate of sixpence in the pound.

The Public Libraries Acts, 1892 to 1919, provide that any ten electors may demand from the overseers a poll, by ballot of the electors, upon the result of which, by a bare majority, reference and lending library and museum may be provided. Two parishes may agree to share in the provision of a free library managed by a Joint Committee. By the Public Libraries Act, 1919, the limitation as to a maximum expenditure equal to a penny rate is done away with, and any borough or district within the county which does not already possess a public library may require the County Council to provide one. The local authority may borrow money for these Acts with the consent of the Ministry of Health, repayable in 60 years. These powers, together with those for the provision of a Parish Hall under the Local Government Act, 1894, should be considered in connection with War Memorial schemes in our villages. The local Education Committee is the library authority for all *new* adoptions of the Acts.

#### SMALL HOLDINGS AND ALLOTMENTS.

The Small Holdings and Allotments Act, 1908, and the Land Settlement (Facilities) Act, 1919, enact that allotments must be provided for the population by the Borough or Urban District Council, or, in rural districts, by the Parish Council. Land for allotments may be bought or hired compulsorily by means of a Provisional Order confirmed by the Ministry of Agriculture and Fisheries.

A Small Holding is one which either exceeds 1 acre but does not exceed 50 acres in extent, or, where it exceeds the latter area, is not assessed for income tax beyond £50. The administration of small holdings is under the central control of Small Holdings Commissioners of the Ministry of Agriculture and Fisheries and

under the local control of the County Council, through the Small Holdings Sub-Committee of the Agricultural Committee. The net expenses of the County Council must not exceed a rate of 1d. in the £, while money may be borrowed for a period of 80 years.

An Allotment may not exceed an area of 5 acres. Allotments may be provided by the Council of any borough, urban district, or parish. Any six registered Parliamentary electors or ratepayers may make representations to the Council; and it is the duty of the County Council to ascertain the extent of this demand. The essential difference between an allotment and a small holding in a rural district is that the former is obtained by the Parish Council and the latter by the County Council. Elsewhere the essential difference is the part of the Act under which the land is acquired.

The Small Holding Colonies Acts, 1916 and 1918, provide that the Ministry of Agriculture and Fisheries, for the purposes of the acquisition, equipment, and settlement of the area authorized to be acquired within any county, may, with the consent of the Council of that county, employ that Council as its agent and vest in it all or any of its powers in addition to those vested in such Council by virtue of the Small Holdings and Allotments Act, 1908.

The Land Drainage Act, 1918, provides that when the drainage area of any drainage authority is situate in any county or county borough, the Council of that county or county borough may present a petition to the Ministry of Agriculture and Fisheries for the transfer to itself of the powers, duties, property, and obligations of that drainage authority. The Ministry of Agriculture and Fisheries may, after consultation with the Ministry of Health, grant such petition. Power is given to levy a drainage rate on basis of acreage or annual value.



## THE BURIAL AUTHORITY.

Owing to the increase of population, there are now but few parish churchyards where interments may take place. The rapid growth of the large towns has necessitated the provision of large cemeteries. In many towns these were made and maintained as commercial undertakings.

Urban and rural sanitary authorities may now provide and maintain cemeteries under the Public Health (Interments) Act, 1879. The Ministry of Health has power to compel a sanitary authority to provide a cemetery where one is urgently needed.

Burial grounds may be provided under a series of Burial Acts extending from 1852 to 1906. When the area to be served by a burial ground is the same as that governed by the Parish Council or other local authority, that Council becomes the Burial Authority; but in cases where more than one Council is to be served the Councils interested concur in forming a Joint Burial Board.

Any rural parish which has no Parish Council may form a Burial Board for itself, if it is not already included with any other parish for such a purpose.

The distinctions between cemeteries and burial grounds are somewhat puzzling.

A burial ground must have a portion of it consecrated by the bishop of the diocese. No burials within a burial ground may take place within 100 yards of a dwelling house without the consent of its owner and occupiers.

In the case of cemeteries, no portion need be consecrated. Every part of a cemetery must be 200 yards away from a dwelling house. Rural District Councils may provide cemeteries, but not burial grounds.

Burials may take place either with or without a religious service in consecrated ground.

The Burial Act of 1900, which came into operation on 1st January, 1901, is a step towards the consolidation of

the numerous and very complex statutes under which burial places are administered. The undermentioned are some of the more important changes created by this Act.

Any chapel intended for general use must be on unconsecrated ground, if erected by the Burial Authority. The chapel itself must not be consecrated, nor may it be reserved for the exclusive use of any denomination. A Burial Authority may, at the request and cost of those residents within its district who belong to any particular denomination, erect, furnish, and maintain a chapel for funeral services according to the rites of that denomination, on the ground appropriated to the exclusive use of that denomination. Every Burial Authority is required to submit to the Secretary of State a table of fees to be received by them in respect of services rendered by any minister of religion or sexton, such fees to be of the same amount in respect of burial service in the consecrated and the unconsecrated parts of a burial ground.

Prior to this Act, clergymen and sextons enjoyed by immemorial custom certain vested interests in fees for burials without performing any duties. This Act enables the Burial Authority to make "equitable compensation" to an ecclesiastical officer for pecuniary loss caused to him by this enactment.

The Cremation Act, 1902, provides that the powers of a burial authority to provide and maintain burial grounds or cemeteries are to be deemed to extend to and include the provision and maintenance of crematoria. A crematorium means any building fitted with appliances for the purpose of burning human remains; and this term is deemed to cover everything incidental or ancillary thereto.

Separate Burial Accounts must be kept by local authorities.

## CHAPTER XVI

### MUNICIPAL TRADING

#### DEFINITION.

MUNICIPAL Trading is a term applied to those services for which local authorities make a charge to the persons benefited. Such services are in the nature of trading undertakings. The term "trading undertaking" may be taken to mean gasworks and waterworks; electricity, tramway, and light railway undertakings; and any other exceptional undertakings (such as harbours and ferries) which are carried on under local Acts and in respect of which it is requisite to arrive at an accurate statement of profit and loss.

Certain other services which are carried on by local authorities under their general statutory powers, and which, though not expected to be profitable, might reasonably be expected to support themselves independently of the rates, may also be classified under this head. To this class belong housing schemes carried on under the general law, and all such works as are re-chargeable, partly or entirely, to others, as in the case of private street works and improvements.

#### CLASSES OF UNDERTAKINGS.

Trading undertakings may be divided into those which possess a monopoly and those which possess no monopoly. Of the former—those which possess a monopoly—there are two classes, viz., those which do not make a profit, e.g. waterworks and cemeteries, and those with a profit, e.g. tramways, markets, electricity, and

gasworks. Of those undertakings which possess no monopoly there are two classes, viz., those with a profit, as in the case of by-products, such as slabs manufactured from clinkers, coke, and tar; and those which have neither monopoly nor profit, as in the case of baths, housing schemes, and other similar undertakings. But this classification cannot be considered as rigid, for many monopolies make no profit, and many undertakings which have no monopoly are very successful commercial undertakings.

### CAUSES OF DEVELOPMENT.

Municipal trading has made most progress in this country, especially during the past sixty or seventy years.

The causes which have contributed to the development of municipal trading may be said to include, *inter alia*, a desire on the part of the local authority to prevent the private exploitation of public monopolies by diverting private profits to local use, as in the case of the purchase by a local authority of a successfully worked tramway company. Another reason has been the increase of a large number of professional and technical organizations, which has caused an increasing amount of zeal to be shown by the permanent officials to demonstrate their enterprise by an encouragement of this class of undertaking. A further reason has been the increasing tendency for undertakings, especially those of a monopolistic character, to combine to the disadvantage of the public. This was especially noticeable during the periods of food shortage during the war. Another reason is a public desire for a voice in the management of public services, a feeling which is equally inherent in the individual and in the mass of the people.

**ADVANTAGES CLAIMED.**

Advantages claimed by the supporters of Municipal Trading are—

(a) That it is in the interest of public health and convenience, the provision of water supply by local authorities being desirable for that purpose ;

(b) That private traders refuse to carry through their enterprise at a loss, thus a neighbourhood might be deprived of gas supply or travelling facilities ;

(c) That as a result of municipal enterprise there are reduced prices and improved services ;

(d) That profits pass to the relief of the rates, and not into the hands of a limited number of shareholders. In one case, Glasgow, the whole of the debt on the tramways has now been wiped out.

(e) Public administration promotes efficiency by—

(1) Specialization through division of labour ;

(2) Experimental work not being discouraged by fear of eating up profits.

**DISADVANTAGES URGED.**

Disadvantages urged by those who oppose Municipal Trading are—

(a) That it lowers efficiency of local authorities by diverting attention from their original functions ;

(b) That there is possibility of corruption in administration. This, however, could apply to services other than those of municipal trading enterprises ;

(c) That because these enterprises are not run for the profit of shareholders they are less efficient and more expensive than private enterprise ;

(d) That it diminishes competition, checks enterprise, and does not allow full scope for individual interest, the lack of which tends to induce laxity of management and disregard of the interests of the public ;

(e) It is also said that an increased debt may militate against the general borrowing powers of Local Government authorities. This point is one of great importance, and may not be apparent upon a cursory consideration of the matter. It is evident, however, that, as a result of the extensive borrowings of the Government consequent upon the war, the rate of interest has much increased, with the result that the permanent charges in regard to all undertakings are correspondingly increased. If this matter is considered also in the more limited sphere of Local Government, it will be realized that if our local authorities embark upon trading enterprises which involve enormous capital expenditure, then the amount of money available for borrowing for the capital expenditure of the primary functions of Local Government, e.g. sewerage disposal works, paving, hospitals, etc., will be diminished and can only be obtained at a considerably higher rate of interest.

Therefore, in the opinion of some, public ownership should be limited to cases where the evils of private enterprise are serious and apparently cannot be remedied. Each proposal to extend the sphere of public ownership should be carefully examined in the light afforded by the progress of thought, the lessons of experience, and the demands of the public.

## MARKETS.

Markets are of great antiquity and are probably the oldest form of municipal enterprise in the country, for two-thirds of the boroughs in England and Wales have their own markets.

There are many old market customs, rights of market toll and market franchise in the country, and the local authorities are bound to respect them.

The powers of providing markets may be exercised

by a Borough, Urban, or Rural District Council under the Public Health Acts, which have incorporated the Markets and Fairs Clauses Act, 1847.

In the case of a Borough Council, a two-thirds majority of the Council is required. In all other cases the consent of the ratepayers and owners to the number of two-thirds must be obtained at a town's meeting held for the purpose.

The local authority may provide place, house, and conveniences for holding the market, place for weighing carts, and everything necessary or convenient for the use of the market and the approaches thereto.

The local authority may buy or lease land, buildings, and private market rights for this purpose, and may take stallage rents and tolls from persons using the market.

By the Markets and Fairs Clauses Act, 1847, the local authority may make by-laws for the regulation of the market, for punishing frauds, collecting fees and rents, enforcing cleanliness and regulating the conduct of business in the market.

### **WATER SUPPLY.**

The supply of water is undertaken by the majority of boroughs in England and Wales. The capital outlay amounts to almost one-half of the total amount invested in municipal undertakings.

The Public Health Act, 1875, provides that any urban authority may provide their district or any part thereof with a supply of water proper and sufficient for public and private purposes.

The Public Health (Water) Act, 1878, provides that it is the duty of every rural sanitary authority to see that every occupied dwelling-house within its district has within a reasonable distance an available

supply of wholesome water for consumption by the inmates of the house and for their use for domestic purposes.

For the purpose of these Acts, and of the Waterworks Clauses Acts with which they are incorporated, the local authorities may construct and maintain waterworks, may dig wells, and may take any other steps necessary to ensure an efficient or sufficient water supply. They may take on lease or hire any waterworks. With the sanction of the Ministry of Health they may purchase any waterworks, or any water, or any right to take or convey water, either within or without their district, or they may purchase any rights, powers, and privileges of any water company. They may contract with any person for a supply of water.

A local authority may charge, in respect of the supply of water to any premises, a water rate to be assessed on the net annual value of the premises. A local authority may agree to supply water by measure to any person, and agree to the terms of payment to be made (in the form of rent or otherwise) for every meter provided by them.

The Water Undertakings (Modification of Charges) Act, 1921, empowers local authorities, with the consent of the Ministry of Health, to increase the water charges.

## **BATHS AND WASHHOUSES.**

Any urban sanitary authority may adopt the Baths and Washhouses Acts; and in every rural parish the parish meeting has the power exclusively of adopting these Acts, as explained in Chapter XV.

## **TRAMWAYS.**

It was not until 1868 that the first private Acts of Parliament authorizing tramways in Liverpool and two



other places were adopted. In 1870, the first and present general Tramway Act was passed. The private Tramway Acts of 1868-9 had empowered local authorities to buy out the company, after a certain period, at structural value of the plant, plus 30 per cent for goodwill.

The 1870 Act provided that local authorities might purchase, at the end of 21 years, at structural value only.

There is no specific limit to the fares that may be charged, the authorities being authorized to charge reasonable tolls for the use of their cars, subject to the consent of the Ministry of Transport.

### **LIGHT RAILWAYS.**

The Light Railways Acts, 1896 to 1912, facilitate the construction of light railways. Orders are made in each case by the Light Railway Commissioners and confirmed by the Ministry of Transport.

Any County, Borough, or District Council may promote a light railway and construct it, and even work and manage it, but it is not usual for the local authority to manage a light railway. In the event of the line passing outside the area of the Council, the consent of any other Council through whose area the line passes must be obtained, unless the Ministry of Transport decides to order otherwise. A local authority may advance money on loan to a company in order to aid that company in the construction of a light railway. The resolution of the local authority to take action must be carried by a two-thirds majority and after one month's notice has been given.

### **ELECTRIC POWER.**

The Electric Lighting Act, 1882, provided that any borough or urban district could undertake an electricity

department, but this is usually done by private companies. The local authority had the right to purchase the electric plant for its existing structural value at the end of 21 years.

This apparently strangled the industry and, as the electric light was developing at a rapid pace in other countries, the amending Electric Lighting Act of 1888 was passed. This lengthened the maximum period to 42 years and required the consent of the local authority in case of the granting by the Board of Trade of both a licence and a Provisional Order, unless the Board saw fit for special reasons to dispense with it.

The Electricity (Supply) Act, 1919, was the result of reports which were submitted to the Board of Trade and Ministry of Reconstruction from 1917 to 1919. The Act provides for the Ministry of Transport to set up Electricity Commissioners not exceeding five in number, one of whom is to be Chairman, to enable those Commissioners to examine the conditions and in certain circumstances to group areas into Electricity Districts, and by schemes to establish Joint Electricity Authorities. Such schemes must be representative of authorized undertakers within the Electricity District, and may or may not have representatives of the Council of any county or local authority. It is also the duty of every Joint Electricity Authority constituted under the Act, to provide or secure the provision of a cheap and abundant supply of electricity within its district. For this purpose every such authority may have any powers and duties as are conferred upon it either by the scheme under which it is constituted or by the above Act, with respect to (a) the supply of electricity within its district (including the construction of generating stations, main transmission lines, and other works required for the purpose); and (b) the acquisition of

the undertakings or parts of the undertakings of authorized undertakers.

A Joint Electricity Authority may, with the consent of the Electricity Commissioners, and by agreement with the owners, acquire any generating station or any main transmission line from any such station on such terms as may be agreed.

A Joint Electricity Authority is given power to supply electricity within its district, but this power is subject to certain limitations. Any local authority which is an authorized distributor may, with the consent of the Electricity Commissioners, agree with the Joint Electricity Authority of the district in which the area of supply of the local authority or any part thereof is situated, for the transfer to the Joint Electricity Authority of the whole or any part of the undertaking of the local authority which lies within their district.

The Electricity Commissioners are empowered to undertake experiments; to appoint Advisory Committees; to grant Orders sanctioned by the Ministry of Transport; and to sanction loans. The annual Income and Expenditure Revenue Accounts are required to be sent by all electricity undertakers to the Electricity Commissioners. The Accounts are required to be audited by Auditors appointed by the Commissioners—in practice the District Auditors of the Ministry of Health.

The Electricity (Supply) Act, 1921, provides the financial powers which were dropped from the original Act of 1919.

#### **GAS SUPPLY.**

The branch of municipal trading that has yielded by far the greatest net profit is the supply of gas for light, heat, and power.

Only about 100 boroughs in England and Wales, however, manage their own gasworks. The proportion is much greater in Scotland and Ireland.

The first regular attempt at street lighting in London was made in 1415, when the Lord Mayor ordered householders to hang out lanthorns in the winter evenings between All Hallows (31st October) and Candlemas (2nd February) for the security of houses against thieves and robbers and for the convenience of foot passengers.

The Public Health Act, 1875, provides that any urban authority may contract with any person for the supply of gas, or other means of lighting the streets, markets, and public buildings in its district, and may supply such lamps, lamp-posts, and other materials and apparatus as it may think necessary for lighting the same.

Where there is not any company or person (other than the urban authority) authorized to supply and actually supplying gas for public and private purposes, within any part of the district, such local authority may itself undertake to supply gas for such purposes throughout the whole or any part of its district not included within the limit of supply of any company or person. In such circumstances a provisional order may be obtained by such local authority under and subject to the provisions of the Gas and Water Works Facilities Act, 1870, and any amending Act.

For the purpose of supplying gas within its district or any part thereof, any urban authority may (with the sanction of the Ministry of Health) buy, on such terms as may be agreed on, all the rights, powers, and privileges, and all property of a gas company.

The Gas Regulation Act, 1920, enables the Board of Trade to transfer the operations of gas undertakings to

the British thermal unit basis, and to carry out corresponding financial provisions. The Board of Trade was required to appoint three persons as gas referees and also a chief gas examiner. The local authority may, unless they are themselves the undertakers, appoint a gas examiner, and subject to the prescription of the gas referees to test the gas and the pressure at which the gas is supplied. The expression "local authority" means the Common Council of the City of London and any County, County Borough, or Urban District Council.

#### OTHER UNDERTAKINGS.

**Ferries.** By the Ferries Act, 1919, a County Borough or a District Council may, with the consent of the Ministry of Transport, acquire by agreement and work an existing ferry. The tolls must be approved by the Ministry. New ferries can only be promoted by a local Act of Parliament.

Many local authorities have private Acts of Parliament which supplement their powers under the foregoing Acts. The City of Birmingham, for example, has established a Municipal Savings Bank. The Standing Joint Committee of the Metropolitan Borough Councils have decided to seek Parliamentary powers to enable the municipalities to set up a trading concern which will be supplied out of the borough's general funds with the money to make or buy the materials required by the various councils.

## CHAPTER XVII

### POLICE

BROADLY speaking, the maintenance of public order is effected by two kinds of agencies, those known as the Police and the administration of Justice. The former is obviously derived from the same word as *Politics*, and implies a close and essential connection with the work of the State. It is concerned rather with the prevention of violence than with the causes which lead to violence. The Police means the police force—the body of constables—the primary constitutional force for the protection of individuals in the enjoyment of their legal rights.

The maintenance of the King's Peace, or the Peace of the Nation, appears to have been the special duty of the Master of the Royal Stables or the *Comes Stabuli* (the constable). Under him was a special class of civilian soldiers maintained to observe the King's Peace. The office of High Constable was created by the Statute of Winchester, 1285. Petty constables did not exist until the reign of Edward III, when they were appointed to carry out the duties locally. The village and the "burgal" watch was instituted in the thirteenth century. The growth of large towns as a result of the industrial revolution showed that the system of the old parish constable was inadequate for the needs of the increased population. The Lighting and Watching Act, 1833, which is the first modern Police Act, provided that boroughs with a population of 5,000 could have a police force.

During the period which followed the stormy days of

Catholic Emancipation under the Wellington Ministry, Sir Robert Peel, in 1829, organized the new police to replace the watchman under the Metropolitan Police Act, 1829. In 1839, in consequence of the state of the industrial areas, the Government brought forward proposals for a police force for the town of Birmingham, and for a rural police to be appointed by the magistrates wherever they thought it necessary in the several counties in England. These proposals were incorporated in the County Police Act, 1839, which was only permissive in its operations. By the County and Borough Police Act, 1856, each county and each borough with a certain population was required to appoint its own police force. Until 1856 every township maintained its own parish constable. The system had thus become uniform throughout the whole country.

### DUTIES.

The duties of the police include the prevention and detection of crime, the maintenance of good order, inspections under various statutes, and the discharge of miscellaneous duties. The Riot Damages Act, 1886, enables compensation to be claimed in regard to damage done during riots.

### THE VARIOUS FORCES.

Police Forces of England and Wales are of five classes—

1. County Forces, under a Standing Joint Committee.
2. Borough Forces, under a Watch Committee.
3. Metropolitan Force, under the Home Office.
4. City of London Force, under the City Corporation.
5. Tyne River Police, under Improvement Commissioners, but having no Exchequer Contribution Grant or Government Inspection.

In Scotland the police are either County Forces under a Standing Joint Committee or Burgh Police. In Ireland there is the Royal Irish Constabulary, which is a semi-military force, and the Dublin Metropolitan Police.

County Police are appointed under the Police Act, 1856, and the Local Government Act, 1888. By the latter statute, the powers, duties, and liabilities of Quarter Sessions and of magistrates out of session, respecting the county police, are exercised and discharged through a Standing Joint Committee, consisting of equal numbers of justices appointed by Quarter Sessions and of members of the County Council. This Committee, with the sanction of the Home Secretary, controls police buildings, increases and diminishes the numbers of the county police, divides the county into "police districts," and assigns the proper number of constables to each. The County Council raises the necessary funds and may purchase or sell buildings.

Borough Police are appointed under the Police Acts, 1839 to 1919, and the Municipal Corporations Act, 1882, in boroughs having a population of not less than 10,000. The Local Government Act, 1888, provided that for the future all boroughs with a population of less than 10,000, according to the 1881 census, must be considered for police purposes to be part of the administrative county. No new borough force may now be established where the population is less than 20,000.

The Acts are administered by a Watch Committee, consisting of not more than one-third of the members of the Council, together with the Mayor, who is *ex-officio* a member. A quorum must not be less than three. The Watch Committee appoints and dismisses the borough constables and makes regulations for the control of the force.

The Central Authority is the Home Secretary, and



by the County and Borough Police Act, 1856, power is given to the Crown to appoint inspectors of constabulary for visiting and inquiring into the state and efficiency of the force. Each inspector is required to report generally upon these matters to the Home Secretary, who may issue a certificate of efficiency for the purpose of the grant from the Local Taxation Account. For the purposes of inspection, the police forces are divided into two areas—Northern and Southern. The Police Act, 1919, empowers the Home Secretary to make regulations as to the Government, mutual aid, clothing, pay, allowances, pensions, and conditions of service of all the police forces. The carrying out of these rules is in the hands of the local police authority, who must comply with the regulations so made.

Officers include Chief, Constable, Superintendents, Inspectors, Sergeants, and Constables. A constable has the powers and duties by common law of an ordinary constable, and may act not only within the borough itself but within the county of which the borough forms a part, or within 7 miles of the borough limits. Within this radius he must obey the lawful commands of any Justice of the Peace, but he has a general power to arrest any idle or disorderly person whom he finds disturbing the public peace, or whom he justly suspects of intention to commit a felony, and if he acts *bona fide* he is not liable for damages, even though it turn out that no felony was, in fact, committed. Any person who resists a constable in the execution of his duty, or incites any one else to resist, is liable to a fine of £5, recoverable on summary conviction.

Constables are also under the special protection of the law, an assault upon them being punishable by a fine of £20 or six months' imprisonment. Every constable is empowered to call upon civilians to assist him in the

performance of his duty and for a civilian to refuse such assistance is a punishable offence.

**Special Constables.** Special constables act in cases of emergency. Where there are no volunteers, the office is, by the Special Constables Act of 1831, compulsory on appointment by two justices from among such of the residents in the neighbourhood as are not exempt from serving as parish constables. A refusal to serve is punishable by a fine of £5. During the period of the Great War, in the absence of many of the police on active service, large numbers of civilians were enrolled as special constables.

**Parish Constables.** Parish constables are appointed under the Parish Constables Act, 1842, from among persons between the ages of 25 and 45, rated to the relief of the poor or to the County Rate, and occupying tenements of an annual yearly value of £4.

**Superannuation.** All pensions are provided out of the Police Fund in accordance with the Police Pensions Act, 1921. This Act provides a compulsory age of retirement when a police officer is entitled to a pension or superannuation allowance as a matter of right. The age for Constables and Sergeants is 55 years, for Superintendents and Inspectors 60 years, and for Chief Constables 65 years, with saving for men serving before the Act. The amount is to be not less than one-half nor more than two-thirds wages. This also applies to a police officer after 10 years' approved service, if incapacitated for further service without personal default, and at any time if injured in performance of duty and incapacitated for service through performance of duty.

Gratuities may be given for under 15 years' service; also to widows and children. Pensions cannot be granted to widows in lieu of pensions except for special reasons.

The Police Pensions Act, 1918, authorizes special pensions to widows and particularly favours widows of police who were in the forces: £26 per annum for constable's widow; £32 per annum for inspector's widow; £40 per annum for higher ranks.

These sums are provided partly by deduction of  $2\frac{1}{2}$  per cent from pay, partly of stoppages from and fines upon officers, and some other fines, partly of sale of cast-off clothes, partly of payments made by other authorities for services rendered, and partly by a Treasury Grant of £300,000 per annum out of the Customs and Excise duties levied under the Local Taxation Act, 1890, which were stereotyped as at 31st March, 1915. The deficiency is made good by contributions from the Police Fund, which is met from the Borough Fund or the County Fund.

The Police Acts, 1906 and 1908, authorize any police authority to guarantee pensions to officers who continue in the force after completing 25 years' service, and to grant extra pay to such officers during such continuance, such extra pay not to be pensionable nor subject to deductions.

**Expenses.** On a certificate from the Home Secretary that an efficient police is established, one-half of the cost of every force as certified by the District Auditor of the Ministry of Health is contributed from the Exchequer Contribution Account. The balance is defrayed, in the case of the borough, out of the Borough Fund or Watch Rate, and in the county as special expenses charge out of the County Fund.

The Police Act, 1919, removed the limit of 8d. in the £ for the Watch Rate in England and Wales. In Scotland the maximum rate was raised to 3s. in the £. Contributions may also be made to Provident Funds with the approval of the Secretary of State.

**Women Patrols.** The work of women in the service is a feature of the work during the war. Though there are many Special Patrols paid out of the Metropolitan Police Funds and provincial Police Forces, they are hardly yet authentic Women Police as they have not the full powers of the policeman. The Police Pensions Act, 1921, applies to police women, whether they have made the usual declaration of a police constable or not, but no pensions or gratuities are to be paid to husband or widower.

### **POLICE FEDERATION.**

The Police Federation was established by the Police Act, 1919, for the purpose of enabling the members of the police forces of England and Wales to consider and bring to the notice of the police authorities and the Secretary of State all the matters affecting their welfare and efficiency, other than questions of discipline and promotion affecting individuals. The police are forbidden to join or to be members of any Trade Union, or of any association having for its objects or one of its objects to control or influence the pay, pensions, or conditions of service of any police force. The Federation consists of all members for the time being of the several police forces in England and Wales below the rank of superintendent, and the Federation acts through Branch Boards, Central Conferences, and Central Committees. The members of each police force below the rank of superintendent form a Branch of the Federation, and in each police force there is constituted three Branch Boards—one for constables, one for sergeants, and one for inspectors. The Central Conference for each rank is held annually in November. Each Conference consists of delegates elected in certain proportions by the members of the Branch Boards of corresponding rank

of all police forces in England and Wales. The members of each Conference elect from amongst their members a Central Committee of six members, of whom two are elected by the delegates of the Metropolitan and City of London Police Forces, two by the delegates of the County Police Forces, and two by the delegates of the Borough Police Forces. The Central Committees, either separately or as a Joint Central Committee, may submit representations in writing to the Secretary of State, and in matters of importance the Secretary of State will be prepared to give any of these Central Committees or a deputation from them a personal hearing. All elections are by secret ballot in accordance with the Ballot Act, 1872, as adapted by this Act.

**Police Councils.** The Secretary of State may arrange for holding Police Councils for the consideration of general questions affecting the police, at which any Central Committee or the Joint Central Committee, or a deputation from either of these, may be invited to meet representatives of Police Authorities, Chief Officers of Police, and Superintendents. The Chairman of this Council will be either the Secretary of State or an Officer of the Home Department nominated by the Secretary of State or any other person appointed for the purpose by the Secretary of State.

## CHAPTER XVIII

### EDUCATION

EDUCATION is that function in life which will develop the faculties of the individual in such a way that he will not only be able to fulfil his allotted task as an ordinary tradesman or professional man, but will also become best fitted to serve the community in which he dwells, and to render that service which shall enable him to leave the world better than he found it. Education makes or should make the individual as an individual realize his highest potentialities.

Education may be justified on moral, economic, and social grounds: upon moral grounds because it acts as a deterrent against vice and crime; upon economic grounds because knowledge increases skill and ability, and should result in increased output and wealth; upon social grounds because so far as is consistent with natural ability it affords equality of opportunity.

Education is derived from three main sources, viz., nature, men, and circumstances. Nature affords opportunity for the development of organism and faculties. Our education from our fellows is dependent upon the manner in which we avail ourselves of our intercourse with men and the opportunities which are afforded us. According to our circumstances may be obtained those benefits which will be derived from experience.

### HISTORY OF EDUCATION.

For about 1,400 years the Church was responsible for education. Prior to the Renaissance there were three types of schools which developed in this country, viz.,

monastic, grammar, and gild schools. Each of the cathedral establishments had its school; in which not only the clergy but the laity received instruction. The grammar schools, which spread rapidly over the country, took their form from the cathedral schools.

The invention of printing in the fifteenth century and the Reformation had considerable influence in regard to the encouragement of learning. The period of the Renaissance led to the intellectual movements of the early part of the sixteenth century, and those who took a prominent part in the Reformation were hopeful that education would secure a large share of the spoils of the monasteries, but these fell into other hands. It was not until after the Reformation had made itself fully felt that the need of primary education for the poor was recognized. The grammar school had so far fulfilled the need, but its operations were necessarily limited, and were gradually appropriated by the middle and upper classes, by whom the poor were elbowed aside. The Church was naturally anxious to retain its hold on the mass of the nation, and by the Canons of 1604 secured the control of education.

During the Stuart Period there was a steady reaction, and intellectually this was probably the darkest period in English history.

In 1699 commenced a new era with the formation of the Society for Promoting Christian Knowledge, with a three-fold object: the education of the poor at home; the reclaiming of those who had erred from Christianity (this was the origin of Home Missions); and the religious teaching in the Plantations, as the Colonies were called (this was the origin of Foreign Missions.)

In 1703, John Wesley was born, and Wesley and Whitefield awakened the moral conscience of the

country from the lethargy into which it had fallen during the previous century.

In 1760, Hannah Ball started a Sunday School at High Wycombe, which was probably the first in the country, being followed in 1775 by James Hay, who opened a school at Little Lever, in Lancashire. In 1780, Robert Raikes, who was born in Gloucester in 1736, opened a Sunday School in that town after many years' devoted attention to the prisoners in the two gaols of his native city. Four years later he wrote an account of the movement in John Wesley's *Arminian Magazine*.

Schools rapidly developed and by the early part of the nineteenth century there were 250,000 scholars, principally adults who worked in factories. It was an outward indication of an inward craving for light and learning on the part of the general body of the community. The elder Sir Robert Peel passed a Bill in 1802 which restricted children's labour in factories, and required that reading, writing, and arithmetic should be taught to them during a part of each day. This was the beginning of the factory legislation which became so urgently necessary on the growth of the manufactures, and which was pushed forward chiefly by the exertions of the late Lord Shaftesbury.

The most notable effort made to further popular education was the introduction of the monitorial system, the origin of which was claimed by Andrew Bell and Joseph Lancaster towards the close of the eighteenth century.

In 1808, the Nonconformist followers of Lancaster founded the Royal Lancastrian Society, later the British and Foreign Schools Society. The State Church became alarmed at the growth of Lancaster's Nonconformist Schools, and so was formed, in 1811, the National



Society for the Education of Children of the Poor according to the Principles of the Church of England, commonly referred to as the National Society, which took over the schools established by Andrew Bell.

While these voluntary agencies were taking shape the attention of the legislature was first turned to the work of education. In 1807, Mr. Whitbread, the Whig leader, introduced a Bill for the establishment of parochial schools through the agency of local vestries, who were empowered to levy a rate for the purpose. The Bill passed the House of Commons but was rejected by the House of Lords at the instance of the Archbishop of Canterbury. In 1816, Brougham obtained a Select Committee for Inquiry into the Education of the Poor in the Metropolis, and in 1820 introduced on the basis of his previous inquiries an Education Bill which met with a storm of opposition which ensured its defeat.

In 1825, Thomas Arnold went to Rugby, and created a new public school spirit, which is well illustrated in Judge Tom Hughes's well-known work, *Tom Brown's Schooldays*. State support came first in the form of a Minute, dated 30th August, 1833, of the Lords Commissioners of the Treasury, making a grant of £20,000 towards funds for the erection of schools and houses, not including residences of teachers. The amount was applied in aiding local effort to an amount of one-half cost of buildings through the British and Foreign Schools Society and the National Society, while in Scotland the fund was administered by the Minister and Kirk Session of each parish.

By 1839, the grant, which had become annual, had increased to £30,000. The Education Department was constituted by an Order in Council, whereby a Special Committee of the Privy Council was established to

administer the grant. At the same time, inspectors of schools were appointed.

The Treasury Minutes continued until 1856, when an Act of Parliament established the office of Vice-President of the Committee of Privy Council on Education, with the result that the administration of grants came under the control of Parliament.

The period from 1856 to 1870 was one of considerable political activity. In 1858 a Royal Commission was appointed, with the Duke of Newcastle as Chairman, to inquire into "the state of popular education in England, and as to the measures required for the extension" of "sound and cheap elementary instruction in all classes of the people." Their report was published in 1861, and although optimistic in tone, it revealed a state of things far from satisfactory. Less than two-thirds of the estimated number of children in England and Wales were returned as attending school at all, though even their attendance must often have been merely nominal. It was for this Commission that Matthew Arnold reported on the elementary school systems of France, Holland, and Switzerland, and first raised the cry "Organize your Secondary Education."

No legislation was attempted at the time, but by a Minute dated 29th July, 1861, the Right Hon. Robert Lowe, afterwards Lord Sherbrooke, and at that time Vice-President of the Committee, published a Revised Code of all the Minutes issued by the Education Department which had been codified for the first time in the preceding year. From this time the Code was reprinted every year, and no alteration involving expenditure was adopted until it had been submitted to Parliament.

The period which elapsed served to show the limits within which success was possible without some direct

intervention by the legislature. By common consent the time for a settlement had come, and the two conflicting interests had ranged themselves under the National Education League of Birmingham, under the Rev. R. W. Dale, Joseph Chamberlain, and Jesse Collings, and the National Education Union of Manchester, under Cowper Temple. It was at this time that Mr. Forster introduced the Bill which became the Education Act, 1870. The Act provided for Commissioners to inquire into the condition of education in School Districts which were created by adopting the boundaries of the boroughs for towns and of the civil parishes for the country. Where there existed a deficiency, School Boards were to be elected in towns by the burgesses and elsewhere by the ratepayers. Election was to be by ballot, the success of which led to the passing of the Ballot Act, 1871. The School Board was a corporate body with perpetual succession and a common seal. Where Board Schools were erected the deficiency was to be met by a rate obtained by precepts issued in boroughs upon the Borough Council, and in rural areas was collected as part of the Poor Rate. In 1876, the School Attendance Committee Act provided for the establishment of Committees wherever a School Board did not exist, and the machinery was completed in 1880 by the Compulsory By-Laws Act, which required all educational authorities to pass compulsory by-laws relative to school attendance. In 1891 the Abolition of Fees Act provided for an additional grant of 10s. for all free school accommodation.

• Meanwhile the School Boards had made great progress, especially as a result of the erection of schools which were in many ways superior in equipment and building. In 1897, the Voluntary Schools Act gave an additional grant of 5s. in respect of the scholars in attendance,

while at the same time the Voluntary Schools were exempted from the rates.

The Board of Education Act, 1899, was followed by Thomas Barclay Cockerton, the District Auditor of the Local Government Board, surcharging the London School Board in respect of certain expenditure which he declared to be illegal. His ruling was upheld by the Queen's Bench Division of the High Court of Justice and the Court of Appeal. In 1900 the Block Grant abolished the system of payment of grants by results. An Act of 1901 to meet the Cockerton judgment, which affected other places besides London, paved the way for the legislation which followed.

#### THE EDUCATION ACTS OF 1870 TO 1901.

**Objects of the Acts.** The Education Act, 1870, established the principles of compulsory attendance at schools under a representative local authority, such schools being maintained from a compulsory local rate and operating under a conscience clause.

The principles established by the Education Acts, 1870 to 1901, may be said to be—

- (a) All children should be educated.
- (b) Education is a quasi local service administered by an *ad hoc* local authority and supervised by a Central Department of the Government.
- (c) Schools managed by local authorities should be supported by rates and taxes.
- (d) Voluntary schools should be supported by taxes but not rates.
- (e) Religious dogmas should not be taught in schools, controlled and supported by ratepayers.
- (f) In voluntary schools which are supported by taxpayers, denominational religion may be taught, but under a conscience clause.

**THE EDUCATION ACT, 1902.**

**Object of the 1902 Act.** The objects of the Education Act, 1902, may be said to be the abolition of the *ad hoc* local authority, viz., the School Boards, and the transfer of their powers to the local education authority. This authority was the first of the co-opted authorities, consisting, as to the majority of its body, of elected members of the local authority and, of the remainder, of persons experienced in education of whom at least one should be a woman. The Act provided for the support of voluntary schools from the local rates in addition to the Government grants. The recognition of the responsibility of the local authority to provide for public secondary education has stimulated the development of higher education.

The following are the powers and duties of local education authorities under the above Act—

**General Powers.** Under the Act, School Boards and School Attendance Committees ceased to exist.

The Education Acts are now administered by the Councils of the various local authorities, subject to a certain control by the Board of Education. There were previously 2,564 School Boards and 787 School Attendance Committees. These have given place to about 330 local education authorities consisting of the administrative counties, the administrative County of London, the county boroughs, all boroughs with a population of over 10,000, and all urban districts with a population of over 20,000. The education authorities are thus now about one-tenth the number they were before the Act.

**Elementary and Higher Education.** All public elementary schools (previously called either Board or Voluntary Schools) are now under the jurisdiction of the local education authorities, and can claim assistance from local rates. Schools provided by the old School Boards

are now by the local education authorities called "provided" schools. Schools previously called "voluntary" schools, and all public elementary schools now provided by bodies other than the local education authorities, are termed "non-provided" schools.

**Education Committees.** The various local education authorities elect "Education Committees" under a scheme approved by the Board of Education, which provides that the majority of the members of these Committees (except in the case of County Councils) must be drawn from the Councils of the local authorities concerned. Provision must be made for members to be recommended by the associations of "non-provided" schools, for the co-option of experts in education, and for the inclusion of women. Teachers and others employed either in provided or in non-provided schools may be members of an Education Committee but not of the Council. The Council may delegate to the Education Committee all its powers except the levying of a rate or the borrowing of money.

Local authorities may arrange between themselves for the administration of the Education Acts; in the case of any but County Councils they may relinquish all or any of their powers in favour of the Council of the county in which they are situated.

The precise conditions under which each Council administers the Education Acts are laid down in a special "scheme" for that Council, approved by the Board of Education.

## MANAGEMENT OF ELEMENTARY SCHOOLS.

An Elementary School means a school or department of a school at which elementary education is the principal part of the education there given.

Elementary schools, provided and non-provided, are

governed directly by a body of managers. In provided schools in boroughs and urban districts all the managers are appointed by the local education authority. The number is sometimes ten—six men and four women. In counties, excepting London, two-thirds are appointed by the Education Committee of the County Council and one-third by the Education Committee of the minor local authority. In London, the Education Committee of the London County Council appoints one-third of the managers, whilst the remaining two-thirds are appointed by the Council of the Metropolitan Borough in which the school is situated.

In all non-provided schools there are six managers, of whom four are appointed under a trust deed approved by the Board of Education, by associations of persons representing the particular religious denomination which caused the school to be erected or used as a public elementary school. In a borough or urban district, the remaining two managers of a non-provided school are appointed by its Education Committee. In counties, excepting London, one of the managers of these schools is appointed by the Education Committee of the County Council, and the remaining one by the minor local authority. The minor local authority means the Council of any borough, urban district, parish council, or parish meeting of the area served by the school. In London, one is appointed by the Education Committee of the London County Council and the other by the Education Committee of the Metropolitan Borough Council.

The managers of a non-provided (voluntary) school must provide the school house free of any charge except for the head teacher's residence. The non-provided schools now come under the same financial arrangement as the provided schools, the grants under the Voluntary Schools Act, 1897, being repealed by the Act of 1902.

Under the Voluntary Schools Act, 1897, voluntary schools were rendered free from rates. This Act was not repealed by the Act of 1902. The local education authority may therefore pay all the expenses of a non-provided school except for the provision of repair or alteration of the school house. Fair wear and tear of the building so far as it is used for school purposes may be provided out of the rates.

Religious instruction in public elementary schools practically remains as it was before the Act of 1902. In the "provided" schools, undenominational religious instruction is given, and in "non-provided" schools religious teaching of a doctrinal character is given. In the latter schools, the managers control the religious teaching, which must be in accordance with the Trust Deed. In all public elementary schools the religious teaching is given subject to a conscience clause which permits the withdrawal of children of objecting parents.

**Finance.** The funds of the local education authorities are provided from endowments, fees, Government grants (referred to later), rates, loans, and other sources.

**Rates.** There is no statutory limit for rates for elementary education.

In the case of higher education the limit on County Councils imposed by the Education Act, 1902, of a rate equivalent to twopence in the pound, was repealed by the Education Act, 1918. There is no statutory limit for county boroughs, and any non-county borough or Urban District Council may supply or aid the supply of education other than elementary to an amount not exceeding the proceeds of a rate of one penny in the pound.

Rates may now be employed for maintaining and assisting education "other than elementary." The money raised under the Customs and Excise Act, 1890,



commonly called the "whiskey money," is applied to the purpose of higher education.

LOANS are repayable over a period not exceeding 60 years, and money so borrowed is not to be reckoned as part of the total debt of the local authority for the purpose of the limitation on borrowing.

ACCOUNTS are made up yearly to 31st March, and are subject to audit by the District Auditor of the Ministry of Health.

### **THE EDUCATION (ADMINISTRATIVE PROVISIONS) ACT, 1907.**

By this Act the local education authority for elementary education has power to provide scholarships or bursaries for scholars from the age of 12 (*see* Education Act, 1918, Section 24), and for attendance to the health and physical condition of scholars in public elementary schools, vacation schools, vacation classes, and play centres, or for other means of recreation for scholars.

It is the duty of the local education authority for elementary education to provide for the medical inspection of children. According to present arrangements, inspection must take place during the first school year, during the year after a child's twelfth birthday, and at some intermediate period. By the same Act, a Registration Council was constituted by the Privy Council, to which is assigned the duty of forming and keeping a register of such teachers who satisfy the conditions of registration established by the Council and apply to be registered.

### **THE LOCAL EDUCATION AUTHORITY (MEDICAL TREATMENT) ACT, 1909.**

This Act empowers the local education authority to recover from parents, summarily as a civil debt, the cost of medical treatment of their children.

**THE LOCAL EDUCATION AUTHORITY (ADMINISTRATIVE PROVISIONS No. 2) ACT, 1911.**

This Act provides exemption of school buildings from building by-laws made by any local sanitary authority, where plans are approved by the Board of Education.

**THE EDUCATION (PROVISION OF MEALS) ACTS, 1906 and 1914.**

These Acts are administered by the local education authority for elementary education. It is provided by these Acts that the local education authority may take steps for the provision of meals for children attending its public elementary schools, and for that purpose may associate itself with a School Canteen Committee. It may also provide that Committee, without limit as to expenditure, with land, buildings, furniture, apparatus, and such officers and servants as may be necessary for organization, preparation, and service of such meals. The local education authority cannot purchase food out of public funds save as hereinafter provided.

Where the local education authority resolves that children cannot take advantage of education owing to lack of food, and ascertains that there is inadequate voluntary provision, it may spend out of the rates such sums as may be necessary to meet the cost of the provision of food. These powers of the local education authority are exercisable in respect of children attending a public elementary school within its area, both on days when the school meets and on other days.

The cost of meals is recoverable from parents as a summary debt.

No teacher is to be required as part of his duties to assist in this work.

### THE EDUCATION (CHOICE OF EMPLOYMENT) ACT, 1910.

By this Act it is provided that the powers of Councils of counties, county boroughs, non-county boroughs, and urban districts, for higher education, are to include power to make arrangements, subject to the approval of the Board of Education, to give boys and girls under 17 years of age assistance with respect to the choice of suitable employment by collecting and communicating information, and by furnishing advice. The Education Act, 1918 (Section 22), substitutes 18 years for 17 years.

### THE EDUCATION ACTS, 1918 and 1921.

An Education Bill was first introduced in the House of Commons by the Right Hon. H. A. L. Fisher, on 10th August, 1917. Certain administrative proposals were strongly opposed, and the Bill was withdrawn. It was introduced again on the 14th January, 1918, with important amendments, the outcome of negotiations with the local authorities. It died with the early close of the Parliamentary session. The third Bill, and present Act, was the outcome of negotiations for the adjustment of difficulties. It was introduced on the 25th February, 1918, passed its Second Reading on the 18th March without a division, entered the Committee Stage on the 7th May, and received the Royal Assent on 10th August, 1918.

The Education Consolidation Act, 1921, will, it is believed, come into operation on 1st January, 1922.

**Objects.** The fundamental purpose of the Education Act, 1918, is "the progressive development and comprehensive organization of education" available for all persons capable of profiting thereby. Until the passing of the Act, our educational system had merely supplemented voluntary effort. The new Act is intended to establish a

system of national education. In addition to establishing Day Continuation Schools, provision was made for social and physical instruction and for the extension to secondary schools of the provisions for medical inspection already in operation in elementary schools.

The local education authorities within the meaning of the Education Act, 1902, are called upon to discharge certain duties, and powers are given them to undertake other functions. The Duties include—

**Educational Schemes.** It is the duty of the local education authority to submit schemes to the Board of Education, showing the mode in which its duties and powers under the Education Acts are to be performed and exercised, whether separately or in co-operation with other authorities. (Section 1.) The local education authority is required to adapt the teaching in the higher classes of public elementary schools to the requirements of older children, and especially to provide practical instruction, and to arrange for the transfer of children to higher schools when desirable. (Section 2.)

It is the duty of the local education authority to raise the age of compulsory attendance at elementary schools to 14 years (Section 8 (1)), such age to be deemed to be attained at the end of the school term (Section 9 (1)), and to admit children only at the commencement of a school term. (Section 9 (2).)

**Continuation Schools.** It is the duty of the local education authority to provide part-time continuation schools for young persons up to the age of 18 free of fees. Provided that—

(a) The obligation is not, within a period of seven years from the appointed day, to apply to young persons between the ages of 16 and 18, nor after that period to any young person who has attained the age of 16 before the expiration of that period; and

(b) During the like period, if the local education authority so resolves, the number of hours in each year are to be 280 instead of 320.

This Section 10 is the heart of the Act. The appointed day was to have been in the Autumn, 1921, but has been postponed. More than twenty day continuation schools were, however, opened in London in January, 1921, and in certain provincial towns, while some firms have established works schools in anticipation of the State requirements.

Exemption from obligation to attend day continuation schools is provided for any young person—

(a) Who is above the age of 14 on the appointed day; or

(b) Who has satisfactorily completed a course of training for, and is engaged in, the sea service in accordance with any national scheme ;

(c) Who is above the age of 16, and either

(i) has passed the matriculation examination of a university of the United Kingdom or an examination equivalent thereto ; or

(ii) is shown to the satisfaction of the local education authority to have been up to the age of 16 under suitable and efficient full-time instruction.

The obligation to attend continuation schools does not apply to any young person who is shown to the satisfaction of the local education authority to be under suitable and efficient

(a) Full-time instruction in some other manner ; or

(b) Part-time instruction in some other manner for a number of hours equal to those required for attendance at a continuation school.

Where a British University of the Central Welsh Board reports to the Board of Education that a secondary school makes satisfactory provision for the education of the scholars, such a school is for the purposes of

this Section to be treated as recognized by the Board of Education as efficient.

Attendance must not be required on a Sunday or during a holiday or half-holiday, nor between the-hours of 7 in the evening and 8 in the morning, except in the case of young persons employed at night or otherwise employed at abnormal times.

**Miscellaneous Duties.** It is the duty of the local education authority to administer the Education (Choice of Employment) Act, 1910, in respect of young persons up to the age of 18 years (Section 22).

The local education authority is also required to appoint teachers of special subjects not attached to the staffs of non-provided schools, and to direct the admission of any such teachers to the schools (Section 29). Provision is also made to include a power to prosecute any person under Section 12 of the Children Act, 1908 (relating to cruelty), where the person against whom the offence was committed was a child, and to pay any expenses incidental to the prosecution (Section 39).

Powers are given to the local education authorities—To combine voluntarily to form Joint Committees, or Bodies of Managers, or Federations for carrying out work of common interest. A scheme constituting such shall provide for the appointment of at least two-thirds of the members by the Councils, and may provide either directly or by co-optation for the inclusion of teachers or other persons of experience in education (Section 6).

Power is given to local education authorities to extend the school age to 15 years by means of by-laws (Section 8 (2)). Local authorities should consider this in view of the unemployment among young people. Local education authorities have also power to make a by-law that parents need not be required to cause their children to attend school before the age of 6 years. (Section) 8 (4).

Power is given to the local education authorities to require pupils of non-provided schools to attend classes in other institutions for the purpose of practical or special instruction or demonstration (Section 8 (6) ), and to prohibit or modify the conditions of employment of a child when there is reason to believe that those conditions are prejudicial to his health or physical development (Section 15).

The local education authority has power to establish Holiday and School Camps and other facilities for social and physical instruction for children and young persons, and for persons over the age of 18 if they are attending educational institutions (Section 17).

Power is given to provide medical inspection and treatment in secondary and other educational institutions, continuation schools, and schools provided by it as hitherto provided in public elementary schools, and to extend such provisions to any other school or educational institution, whether aided by it or not, if so requested by the management (Section 18). The local education authority has power to provide or aid the supply of Nursery Schools for children between the ages of 2 and 5 years, and to attend to the health, nourishment, and physical welfare of the children who attend them (Section 19).

Power is given to make any arrangements, of either a permanent or a temporary character, and including board and lodging, for children otherwise unable to receive the benefit of efficient elementary education (Section 21).

The local education authority has power to aid teachers and students to carry on an investigation for the advancement of learning or research in, or in connection with, an educational institution (Section 23), and to provide allowance for maintenance in connection with any scholarships awarded (Section 24).

The local education authority has power to require managers to admit to non-provided schools teachers of secular subjects not attached to the staff of any particular public elementary school and who are appointed by the local education authority (Section 29), and to distribute the children attending two or more non-provided schools according to age, sex, or attainments and otherwise for the purposes of educational efficiency and economy (Section 31).

**General.** The local education authorities are to avail themselves of the services of private medical practitioners for the medical treatment of children and young persons (Section 25).

The Board of Education may, free of cost, inspect and report upon any educational institution if requested by the governing body or head master (Section 27). The secretary, or person performing such duty, is to furnish the Board with the name and address of the school or institution and a short description thereof for its information (Section 28). The managers of a non-provided public elementary school must give eighteen months' notice to the local education authority of their intention to close the school (Section 30).

A local education authority may be authorized to purchase land compulsorily for the purpose of any of its powers or duties under the Education Acts by means of an Order confirmed by the Board of Education in accordance with the First Schedule to the Housing, Town Planning, etc., Act, 1909 (Section 34), and the Acquisition of Land Act, 1919.

A local education authority may, with the consent of the Board of Education, provide a public elementary school outside its area for the use of children within that area (Section 35).

**Finance.** The limit of the amount to be raised by



a County Council out of the rates for the purpose of education other than elementary ceases to have effect (Section 7). This removes the limit of expenditure up to a rate of 2d. in the pound provided by the Education Act, 1902.

No fees may be charged in any public elementary school, except for meals and medical treatment. During a period of five years the Board of Education shall pay to the managers of a school the average yearly sum paid in fees during the five years immediately preceding (Section 26).

The Act retained fees in secondary schools and abolished them in elementary schools, and provided for free education in continuation schools. In other words, it applied the principle that where education was compulsory it was to be given without charge to the parents, but where the parent had an option whether or not to send his child to a particular type of school, then he should be at liberty to pay fees.

The County Council is no longer required to charge on or raise within particular areas any portion of educational expenses, which prior to the passing of the Act they were entitled to do. Now, before doing so, the County Council must consult the Council of the borough or urban district concerned (Section 36).

### EDUCATION GRANTS.

The former complicated grants (e.g. Fee, Aid, Small Population) have been abolished and one Consolidated Grant (known as the Substantive Grant) has been substituted. This consists of not less than 50 per cent of the approved net expenditure. The Regulations of the Board prescribe the following formula for the calculation of this grant—

36s. per unit of average attendance.

*Plus—*

- (1) 60 per cent Teachers' Salaries.
- (2) 50 per cent Special Services (Medical, Meals, Physical Training, Play Centres, Nursery Schools, and Special Schools).
- (3) 20 per cent remaining expenditure.

*Less—*

The product of a 7d. rate.

Thus a Local Authority may receive more than 50 per cent, but the Act imposes a maximum grant of two-thirds of the net expenditure or the excess of the net expenditure over a 1s. rate, whichever is the greater.

Should the Substantive Grant, calculated as above, fall short of 50 per cent, a Deficiency Grant is payable for the balance.

Provision is also made for an additional Highly Rated Area Grant. The Board prescribes the amount of rates which must be reached before the grant operates, which for 1920/21 was 40d.

For Higher Education the former grants (which are many and complicated) remain, but the Deficiency Grant operates to bring the total grants up to 50 per cent.

**Educational Trusts.** His Majesty may, by Order in Council, constitute and incorporate, with power to hold land without licence in mortmain, one or more official trustees of educational trust property.

On the constitution of an official trustee or official trustees of educational trust property,

- (a) all lands or estates or interests in land then vested in the official trustee of charity lands which are held by him as endowments for solely educational purposes, and
- (b) all securities then invested in the official trustees of charity funds which those trustees certify to be

held by them as endowments for solely educational purposes, shall vest in the said official trustee or trustees (Section 45).

### TECHNICAL EDUCATION.

Technical education is the training which includes instruction in the arts and sciences which underlie some trade or profession.

The movement in its modern form arose through the starting by Dr. George Birkbeck of classes for working men at Glasgow University in 1800. On his removal to London the classes were continued by his successor. Birkbeck continued the idea in London, with the result that Mechanics' Institutes were founded in most industrial centres.

In 1841, Government grants in aid of Schools of Design were made, and in 1845 the Working Men's College was founded by Frederick Denison Maurice and that brilliant band of Christian Socialists who did so much to link up the learning of Oxford and Cambridge with the working classes. This was, in fact, another movement similar to the more recent one which has found expression in the Workers' Educational Association.

The result of the first International Exhibition in 1851 was the slow recognition of the inadequacy of our existing system to meet the advancing tide of foreign competition which was growing in all forms.

In the same year, the Government School of Mines was established at Wigan, Owens College was founded at Manchester, and the Whitworth Scholarships were endowed.

In 1853, the Department of Practical Art was founded and the Department of Science added. These were

handed over to the Education Department, which received a Parliamentary representative in 1856.

The Second International Exhibition in 1862 resulted in a further development of voluntary effort in the interest of technical education, included in which may be mentioned the Y.M.C.A. under the late Sir George Williams, and the London Polytechnic under the inspiration of the late Quintin Hogg.

In 1880, the City and Guilds of London Institute was incorporated, and the City of London Parochial Charities Act was passed in 1883.

Meanwhile a Royal Commission, which had been appointed in 1881, had been sitting, and it issued its report in 1884. The result was the passing of the Technical Education Act, 1889, with the local authorities limited to a rate of 1d. in the £, and the Local Taxation Act, 1890, with its assignment of a portion of the "whiskey money" as a grant in aid of technical education.

Since the Education Act, 1902, the work of technical education has been under the control of the local education authority for Part II of the Act, viz., the Council of any county or county borough; but any borough or urban district may supply or aid the supply of education other than elementary to an amount not exceeding a rate of 1d. in the £.

#### **BLIND, DEAF, DEFECTIVE, AND EPILEPTIC CHILDREN.**

It is the duty of the local education authority to provide for the education of physically defective and epileptic children as soon as the appointed day is fixed. If it cannot do this by means of day schools, it is not to be obliged to provide for the board and lodging of them for seven years. Section 20 incorporates

the Elementary Education (Defective and Epileptic Children) Act, 1914, to which reference has previously been made.

(i) In 1893, the Elementary Education (Blind and Deaf Children) Act was passed. Children too blind to be able to read the ordinary school books, or too deaf to be taught in a class of normal children in an elementary school, must be sent to schools certified suitable for them, and due provision of these has to be made by the local education authority. The Act does not extend to idiots, imbeciles, or pauper children. Blindness and deafness are no longer an excuse for absence from school, except for deaf children under 7, and attendance in both cases of infirmity is compulsory up to the age of 16.

(ii) A Committee of the Education Department reported in January, 1898, in favour of a similar measure on behalf of defective and epileptic children, and, accordingly, the Elementary Education (Defective and Epileptic Children) Act, 1899, was passed. It is on similar lines to the preceding measure; power is given to ascertain the numbers for which provision is required; guides or conveyances may be provided, if necessary, for the children. The Mental Deficiency Act, 1913, provides that the duties of the local education authority shall include a duty to make arrangements, subject to the approval of the Board of Education—

(1) For ascertaining—

(a) How many children over the age of 7 within their area are mentally defective.

(b) Which of such children are incapable, by reason of mental defect, of receiving benefit or further benefit from instruction in special schools or classes provided under the Elementary Education (Defective and Epileptic Children) Act, 1899.

(2) For notifying to the local authority under the Act the names and addresses of defective children, who on or before attaining the age of 16, are about to be withdrawn from a special school or class, and concerning whom the local education authority is of opinion that it would be to their benefit that they should be sent to an institution or placed under guardianship.

The Elementary Education (Defective and Epileptic Children) Act, 1914 (see also Education Act, 1918, Section 20), provides that—

1. The duties of local education authority for the purposes of the Elementary Education (Defective and Epileptic Children) Act, 1899, shall include making suitable provision, either alone or in conjunction with other local education authority, for the education of children belonging to their area whose age exceeds 7 years, and who are ascertained to be mentally defective within the meaning of the Act of 1899.

2. The local education authority must consult parents of children, and co-operate as far as possible with other authorities.

3. The Council of an urban district or non-county borough may, by agreement, delegate its powers to the County Council.

4. The local education authority may obtain an Order from a court of summary jurisdiction, requiring the child to be sent to a special school.

5. On a child's discharge as no longer defective, the certificate of defect originally made out must be returned endorsed to the effect that the child is now normal.

#### DUTIES OF PARENTS AND EMPLOYERS.

**Parents.** It is the duty of a parent to cause his child to attend school between the ages of 5 and 14,

and no exemption from attendance is allowed under the Education Act, 1918.

•In cases where by-laws have been made providing for the exemption of children from school attendance between these ages, such by-laws will, under the Education Act, cease to have effect, and in all by-laws the age of 14 will become the minimum age for compulsory attendance at ordinary schools. A child is not to be deemed to be 14 years of age until the end of the school term in which he reaches that age.

Legal proceedings may be taken against parents for not causing a child to attend school. Where the parent pleads that the child is in fact attending some school or institution, the defence will fail unless such school or institution is open to inspection by the local education authority, or the Board of Education, and unless satisfactory registers of attendance are kept at the school or institution.

**Employers.** Employers must make arrangements which will enable young persons to attend the day continuation schools. The Education Act, 1918, empowers the local education authority to act as local authority under the Employment of Children Act, 1903 (Section 13 (1) (iv)).

**Employment of Children.** A child under the age of 12 must not be employed at all. A child of 12 or upwards must not be employed—

(a) On any Sunday for more than two hours, except in so far as local by-laws may vary this provision for specified occupations. In any case employment before 9 a.m. must be limited to one hour, and a child so employed must not be employed for more than one hour in the afternoon.

(b) On any school day before the close of school hours.

(c) On any other day before 6 a.m. or after 8 p.m. (Section 13 (1) (i)).

A child may not be employed in street trading (Section 13 (1) (ii)). Section 13 (2) further limits the hours of children performing. Section 14 prohibits the employment of children in factories, workshops, mines, and quarries.

As from the 1st January, 1921, it became illegal to employ any child under 14 in any industrial undertaking (as defined in the Employment of Women, Young Persons, and Children Act, 1920), unless the child was already so employed at that date.

### SCHOOLMASTERS AND TEACHERS.

**The Contract to Educate.** The Education Act, 1918, provides that teachers in non-provided schools are to be deemed to be officers of the local education authority. The appointment of head teachers to "non-provided" schools is made with reference to the religious creed of the applicant. Assistant teachers and pupil teachers in "non-provided" schools may be appointed by the local education authority if it is thought fit, without reference to their religious creed. The consent of the local authority is required to the appointment of teachers, but this cannot be withheld except on educational grounds. In the case of the dismissal of a teacher, unless it be respecting religious instruction, the consent of the local education authority is also necessary.

Out of the rates the local education authority may pay for the provision of vehicles or grant reasonable travelling expenses for teachers or children attending school or college.

**Candidates for the Teaching Profession.** The Board of Education recognizes the following grades of teachers in public elementary schools, viz.—



(i) PUPIL TEACHERS, who must be over 16 and not over 18 previous to recognition. They spend part of their time in receiving instruction and part in teaching or receiving training under supervision in a public elementary school.

(ii) BURSARS, who are boys and girls recommended by the local education authority, who intend to become elementary school teachers and who are attending full time at a recognized secondary school and require financial assistance in order to continue their education.

(iii) STUDENT TEACHERS, who are young persons who either have been bursars or have regularly attended a recognized secondary school for three years, and are recommended by a local education authority for approval by the Board.

(iv) UNCERTIFICATED TEACHERS, who are persons who have passed the preliminary examination for the elementary school teachers' certificate or an alternative qualifying examination, and find it impossible, for personal or other reasons, to secure the advantages of a course of training in a training college.

(v) CERTIFICATED TEACHERS, who are persons who have passed the Board's final examination for students in training colleges, or the Board's certificate examination or other recognized qualification.

(vi) SUPPLEMENTARY TEACHERS (only women over 18 years of age), who are suitable and who are specially approved by H.M. Inspector for their capacity in teaching.

(vii) TEACHERS OF DOMESTIC SUBJECTS, who are women over 18 years of age who enter Training Colleges with a view to obtaining a diploma or diplomas for cookery, laundry work, or housewifery, or a combined diploma.

(viii) TEACHERS IN SPECIAL SCHOOLS FOR THE BLIND

AND DEAF, who are required to have passed an approved examination in the methods of teaching such children. Certificated teachers are eligible for recognition either as head teachers or as assistant teachers in special schools for blind, deaf, defective, or epileptic children.

**Registration of Teachers.** The Education (Administrative Provisions) Act, 1907, provided for the establishment of a Registration Council constituted under an Order of the Privy Council. There is assigned to the Council the duty of forming and keeping a register of such teachers who apply to be registered and satisfy the conditions of registration established by the Council.

**Pension Scheme for Certified Teachers.** The School Teachers (Superannuation) Act, 1918, was passed to make provisions with respect to the grant of superannuation allowances to teachers and of gratuities to their legal personal representatives, and to amend the Elementary School Teachers (Superannuation) Acts, 1898 to 1912. The Board of Education may grant superannuation allowances to any teacher—

(I) who—

- (1) Has attained the age of 60 ; and
- (2) Has been employed in recognized or qualifying service at the commencement of the Act for not less than the prescribed number of years ; and
- (3) Has been employed in recognized or qualifying service for not less than the prescribed period after the commencement of the Act.

Or (II) to whom the Act of 1898 applied at the commencement of the 1918 Act, who has been employed in recognized service for a period equal in the aggregate to not less than half the number of years between the date of certification as a teacher and the date of the 65th year of his age.

Or (III) who—

(1) Has completed 10 years of recognized service ;  
and

(2) Has been employed in recognized service within the prescribed period before the date on which he applies for a superannuation allowance under this section ; and

(3) Satisfies the Board, that he has become permanently incapable, through infirmity of mind or body, of serving efficiently as a teacher in recognized service.

The superannuation allowances which may be granted are—

(a) An annual superannuation allowance of an amount not exceeding one-eightieth of the average salary of the teacher in respect of each completed year of recognized service, or one-half of the average salary, whichever is the less ; and

(b) by way of additional allowance, a lump sum not exceeding one-thirtieth of the average salary of the teacher in respect of each completed year of recognized service, or one-and-a-half times the average salary, whichever is the less.

In the case of a woman teacher, who, after ceasing in consequence of marriage to be employed in recognized service, has subsequently returned to recognized service and satisfies the prescribed conditions, such number of years as may be prescribed, not being less than 20, shall be substituted for 30 years as the qualifying period of service.

Gratuities may be granted by the Board to a teacher

the legal personal representatives of any teacher who has been employed in recognized service for a period amounting in the aggregate to five years, and who dies while in recognized service. The gratuity may be of an amount not exceeding the average salary of the teacher or the amount of the additional allowance which the Board might have granted to him if, at the date of his death, he had become permanently incapable of serving efficiently as a teacher in recognized service, whichever is the greater.

Where a teacher dies after having become qualified for the grant of an annual superannuation allowance, and the aggregate amount of the sums received or receivable by him up to the time of his death on account of annual superannuation allowance and additional allowance is less than the amount of his salary, the Board may grant to his legal personal representatives a supplementary death gratuity not exceeding the difference between the amount of the average salary and the said aggregate amount.

The expression "qualifying service" means any employment, whether in the capacity of a teacher or otherwise, which the Treasury, on the recommendation of the Board, may declare to be qualifying service for the purpose of calculating the period qualifying for a superannuation allowance. The expressions "certificated teacher" and "uncertificated teacher" mean respectively a teacher who is recognized under the regulations of the Board for the time being in force as a certificated teacher for public elementary schools, and a teacher who is so recognized as an uncertificated teacher for such schools.

The expenses incurred by the Board in carrying this Act into effect shall be defrayed out of moneys provided by Parliament.

## ADULT EDUCATION.

The Final Report of the Adult Education Committee of the Ministry of Reconstruction contains, in reference to local authorities, the following proposals: The provision of a liberal education for adult students should be regarded by universities as a normal and necessary part of their functions. It is imperative that local education authorities should take a large and important place in the development of adult education. The increasing co-operation of local authorities is a vital need, and non-vocational adult education should be regarded as an integral part of their activities.

The official interpretation of the Education Act, 1918, encourages local education authorities to include provision for adult education in their schemes, but the Committee recommends that each local education authority in Great Britain should be required to submit to the appropriate Central Department a separate scheme or schemes dealing with the provision of facilities for non-vocational adult education.

The Report commends the general establishment of non-vocational institutes as evening centres for humane studies, co-operating with voluntary agencies and seeking to establish new traditions. It urges co-operation with voluntary bodies in this connection, and suggests that social recreational activities should be a prominent feature, and music, drama, dance, and handicrafts should be an integral part of the programme of the institutes, while students' societies should be formed to participate in the work of the institute. It is recommended also that the local colleges foreshadowed by the Board of Education should be carried on in close co-operation with voluntary organizations, and that the humane studies provided at a local college should be the outcome of a demand formulated and organized

by a body or bodies in close touch with possible students.

It is essential that local authorities should give substantial assistance to university tutorial classes, to courses of extension lectures, and to the salaries and expenses of resident tutors.

Scholarship schemes should be extended to include scholarships to summer schools and maintenance grants to adults to reside in a university or college for a shorter or longer period. Local authorities should also consider the desirability of contributing annually the proceeds of a penny rate to the provincial university with which they are most closely associated.

Local authorities should, where practicable, combine to establish an Adult Education Joint Committee within the area they jointly cover. This Committee should be required to co-opt representatives of universities and of bodies engaged in organizing non-vocational classes aided out of public funds. The Joint Committee would receive applications for the provision of adult classes and would form a panel of suitable lecturers from which teachers could be chosen for the classes provided.

In April, 1921, the President of the Board of Education constituted an Adult Education Committee to promote the development of liberal education for adults and in particular to bring together national organizations concerned with the provision of adult education; to further the establishment of local voluntary organizations for the purpose, and of arrangements for co-operation with local education authorities; and to advise the Board of Education upon any matters which the Board may refer to the committee.

## CHAPTER XIX

### THE CHILDREN ACT, 1908

THE Children Act, 1908, consolidated 38 previous Acts. The Factory and Workshop Acts, the Coal Mines and Metalliferous Mines Acts, the Elementary Education Acts, and other statutes, all show in their earlier stages the utmost reluctance to grant the most elementary justice, let alone mercy, towards the child. Thus, it was not until 1842 that boys below 10 and girls and women were prohibited to work below the ground in mines.

A Division of the Home Office has been constituted to deal with questions relating to children, particularly reformatory and industrial schools, children's courts, probation officers, cruelty to children, and street trading.

Throughout the Act the word "child" means a person under the age of 14 years, whilst a "young person" means a person who is 14 years or upwards and under the age of 16 years.

#### PART I. INFANT LIFE PROTECTION.

This part of the Act repealed the Infant Life Protection Act, 1897, and re-enacted it with additions.

The local authority is the Board of Guardians.

The local authority appoints Infant Protection Visitors

to the local authority within 48 hours. The penalty for not giving notice is imprisonment not exceeding six months, or fine not exceeding £25; and forfeiture of the lump sum (if any) paid, or such less sum as the court may deem just.

No person having the care of a child for reward has an insurable interest, under the Assurance Companies Acts, in the life of such child. This was an entirely new enactment on a matter never before dealt with in legislation.

The Central Administration of this part of the Act was handed over to the Ministry of Health by Order in Council as from 1st July, 1919.

## **PART II. PREVENTION OF CRUELTY TO CHILDREN AND YOUNG PERSONS.**

The pioneer movement in this connection was made in Liverpool by prominent Nonconformists and Catholics. It resulted, in 1881, in the formation of the first Society for the Prevention of Cruelty to Children, the Chairman of which was Mr. Frederick Agnew. This was the basis of the National Society founded by the Reverend Benjamin Waugh, in 1884. In 1884, the Liverpool Corporation framed by-laws under Section 23 of the Municipal Corporations Act, 1882, under which no child under the age of 13 was permitted to sell anything in the streets after 9 p.m. in the summer, or 7 p.m. in the winter, and no child under the age of 9 was allowed to sell at all. In 1889 the first Prevention of Cruelty to Children Act was passed, followed by an amending Act in 1894. In the following year, Liverpool established the Police-aided Clothing Association, to provide clothing for poor and destitute children selected by the police. In 1897, the question was again under the consideration of a Special Committee, and in 1898





bind over a person having the custody of a young girl ; to take offenders into custody ; to detain a child or young person in a place of safety ; to order detention of habitual drunkards ; and to dispose of a child or young person by order of the court.

The Secretary of State may cause to be visited and inspected, by persons appointed by him, any institution supported by voluntary contributions for the reception of poor children or young persons.

### PART III. JUVENILE SMOKING.

As regards juvenile smoking, with certain exceptions, there is a penalty for selling cigarettes, cigarette paper, and cigars, to a person apparently under the age of 16, whether for his own use or not. It is the duty of a constable or park-keeper in uniform to seize cigarettes or cigarette paper in the possession of such persons whom he finds smoking, and he may be given power to search any boy so found smoking.

A court of summary jurisdiction is empowered to order the removal of automatic machines used for cigarettes.

### PART IV. REFORMATORY AND INDUSTRIAL SCHOOLS.

This part is the backbone of the whole Act. It repealed the existing Reformatory and Industrial Schools Acts and re-enacted them with amendments and additions. It was a great step in advance, if only to amalgamate them into one Act. Ragged Schools were the first type of these institutions. In 1756 the Marine Society founded an institution for the protection of the children of convicts. In 1776, the Philanthropic Society were given, under conditional pardon, the custody of boys who had been sentenced to transportation or long terms

of imprisonment. In 1803, John Pounds founded a Ragged School at Portsmouth. He was followed by Dr. Guthrie in Glasgow, and Father (afterwards Monsignor) Nugent and the Reverend (afterwards Canon) Major Lester in Liverpool. These efforts resulted in the establishment of certified schools throughout the United Kingdom.

**A Certified School** means a reformatory or industrial school which is certified in accordance with the Children Act, 1908. Children are committed by the Justices who, in conjunction with the local authority, decide to which school the child shall be sent.

**A Reformatory School** means a school for seniors, between the age of 12 and 16, to which youthful offenders are sent for industrial training after they have been convicted of an offence, punishable, in the case of an adult, with penal servitude or imprisonment, and who would have served a term in prison. They are schools in which actual delinquents are lodged, fed, and taught. The period of detention is from 3 to 5 years, but none of them is detained beyond 19 years of age. In 1854, the Young Offenders Act was passed, providing for vagrants under 15, and giving the Home Secretary power to certify reformatory schools. In the same year the Redhill Farm Colony was founded by the Philanthropic Society. In 1856 was passed the Reformatory and Industrial Schools Act, which provided that young persons should not be sent to a school to which the parents objected if another was available. This was followed in 1866 by the Reformatory Schools Act, which repealed, consolidated, and amended the previous Acts. In 1893, Lord Leigh's Reformatory Schools Act raised the age from 10 to 12 years, and the term of admission from 2 to 3 years as a minimum. This Act was followed by the Reformatory Schools Act,

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which made it illegal to sentence a youthful offender to penal servitude. The Youthful Offenders Act, which was passed in 1901, made certain regulations, tending to reduce the number of very young offenders who would have been sent to reformatories rather than to industrial schools, and gave permission to a court to make an order on the parent or guardian for contribution to the child's support, payment to be enforced summarily as a civil debt.

**An Industrial School** means a school for juniors under the age of 14, in which industrial training is provided, and in which are lodged, clothed, fed, and taught children who may not actually have committed an offence, but whose circumstances are such that if left in their surroundings they are likely to join the delinquent population. The legislation relating to industrial schools commenced with the Young Offenders Act, 1854, which enabled a Sheriff or Magistrate to commit vagrant children, even though they had not been charged with an offence. The Industrial Schools Act for England and Wales, 1857, provided that children above 7 and under 14 years of age convicted of vagrancy might be committed to a certified school. The Inspectors were appointed by the Home Office. In 1860 and in 1861 was passed the Consolidating Act, which enlarged the scope of the previous Acts. In 1866 was passed the Industrial Schools Act, which embodied most of the previous provisions, and by new regulations provided that a child under 14 years of age, if a destitute orphan, or if having a surviving parent undergoing penal servitude or imprisonment, could also be sent to these schools. The age limit was raised from 15 to 16 years.

These Acts provide for children beyond the control of their parents, for refractory children in a workhouse, and for the enforcement of school attendance orders

under the Elementary Education Act, 1876. Reformatory and industrial schools overlap in that an actual delinquent under 12 years and not previously convicted may be sent to an industrial school. The period of detention must not be beyond 16 years of age, while they remain under the supervision of managers until 18 years of age. Children liable to be sent under the old Acts were those found wandering or not under proper guardianship. The Children Act, 1908, provides that any person may bring before a Petty Sessional Court any child apparently under the age of 14 who is found begging or receiving alms ; is found wandering ; is found destitute, not being an orphan ; is under care of a parent or guardian who is criminal or drunken ; is the daughter of a father convicted of an offence in respect of any of his children under the Criminal Law Amendment Act, 1885 ; frequents the company of a reputed thief or common or reputed prostitute ; is lodging or residing in a house used by a prostitute for prostitution. The police are now required to take proceedings in these cases. There are also industrial training-ships, like the *Wellesley* at South Shields, to which magistrates may commit children under Section 58 of the Act.

**A Day Industrial and Truant School** means a school where the children do not reside, but where they receive one or more meals per day, their elementary education, and a certain amount of industrial training. The system was introduced by the Elementary Education Act, 1876. The majority of these schools are owned and managed by voluntary bodies. The responsibility of finding and bringing the children before the court rests with the local education authority and the police.

The **Local Authority** for industrial schools is the local education authority ; and for reformatory schools the Council of a County or County Borough.

**THE CENTRAL AUTHORITY.** The reformatory and industrial schools of Great Britain are administered by Inspectors appointed by the Home Secretary. Both classes of schools are voluntary, being maintained by private associations or local authorities.

**FINANCE.** The schools are maintained by Treasury Grants in Aid, equal to 50 per cent of the net expenditure, contributions from local authorities, payments by parents and guardians, profits from industrial work, and charitable subscriptions and donations. The committing authorities fix the payments the parents shall make towards the expenses of maintenance, and the amount is collected generally by the Police on behalf of the Chief Inspector of Reformatory and Industrial Schools.

#### **PART V. JUVENILE OFFENDERS.**

The two principal changes made by this part of the Act are that juvenile offenders are distinguished from the adult, and that the parent or guardian is made responsible for the offences of the child.

A child may not be sentenced to imprisonment nor penal servitude for any offence, nor committed to prison in default of payment of a fine, damages, or costs. A young person may not be sentenced to penal servitude for any offence. A young person may not be sentenced to imprisonment for any offence, nor committed to prison in default of payment unless the young person is too unruly to be sent to a place of detention. Sentence of death may not be pronounced nor recorded against a child or young person, but he or she may be sentenced to be detained during His Majesty's pleasure in such place and under such conditions as the Secretary of State may direct.

**JUVENILE COURTS.** One of the most noteworthy features of this part of the Act is the provision of



Juvenile Courts, whereby, in cases of charges against or relating to children or young persons, the magistrate sits in a separate room or at a special time. Provision is also made for preventing persons under 16 from associating with adults charged with offences. To such Juvenile Courts, only the necessary parties, legal advisers, and Press representatives are allowed admission. A separate rota of magistrates is recommended by the Home Office. In certain States of America there are magistrates for the purpose, as at Denver, Colorado. The first Children's Court, with a Probation Officer, was at Birmingham. The Juvenile Courts Act, 1921, has secured an advance both in the treatment of children and in the co-operation of women in public affairs. The methods of dealing with children or young persons charged with any offence are summarized in Section 107, and must be taken into consideration at the trial. The case may be dealt with—

- (a) By dismissing the charge ; or
- (b) By discharge on recognizance ; or
- (c) By discharge and placing under supervision of probation officer ; or
- (d) By committal to care of relative or other fit person ; or
- (e) By committal to industrial school ; or
- (f) By committal to reformatory school ; or
- (g) By whipping ; or
- (h) By order to pay fine, damages, or costs ; or
- (i) By order on parent or guardian to pay fine, damages, or costs ; or
- (j) By order on parent or guardian to give security of good behaviour of offender ; or
- (k) By committal to place of detention ; or
- (l) By sentence of young person to imprisonment ; or
- (m) By dealing with the case in any other legal manner.

**Places of Detention.** Places of detention must be provided by every police authority." To them a child or young person who is on remand or committed for trial may be committed, and to them a child or young person may be sentenced for punishment instead of to prison. Such places must be either specially established, or the police authorities may arrange with the occupiers of already existing premises or institutions for their use.

#### **PART VI. MISCELLANEOUS AND GENERAL.**

In the case of specified offences, the Act confers powers upon the court to exclude everyone not directly concerned during the giving of evidence by a child or young person, should such a course be deemed advisable. It also prohibits children from being present in court during the trial of other persons ; prohibits marine store dealers and traders of that class from the purchase of old metal from any person apparently under 16 years of age ; the taking of pawns from children under 14 years (in London and Liverpool under 16 years of age). If any person gives, or causes to be given, intoxicating liquors (except for medicinal purposes or urgent cause) to children under the age of 5 years, he is liable to a fine not exceeding £3. The Act imposes penalties on vagrants who prevent children over 5 years of age from receiving education. A licence holder cannot allow children in the bar of licensed premises, except during the hours of closing, under a penalty of £3 for the first and £5 for every subsequent offence. The Act also provides for the cleansing of verminous children under order of the local education authority.

## CHAPTER XX

### MENTAL DEFICIENCY

#### PART I. THE LUNACY ACTS, 1890 to 1911.

The Classes of persons who come within these Acts include those who are of unsound mind or mentally infirm.

The Central Authorities include—

The Lord Chancellor, who is responsible for judicial functions.

The Minister of Health, who is responsible to Parliament for the work of the Board of Control.

The Commissioners in Lunacy, who are now merged in the Board of Control (*see* below).

The Masters in Lunacy and the Visitors in Lunacy.

Lunatics are detained in—

- (a) County and borough asylums.
- (b) Registered hospitals receiving lunatics.
- (c) Houses licensed for the purpose.
- (d) State institutions, viz.—

- (i) Criminal asylums.

- (ii) Royal Military and Naval hospitals.

- (e) Metropolitan District asylums.

- (f) Poor Law institutions in which there are any lunatics, imbeciles, or idiots.

- (g) Houses scattered over the country providing for single patients.

The Local Authority is (generally) the Council of the county or county borough, who must provide accommodation for its pauper lunatics. Arrangements may be made with another authority or a joint asylum

may be maintained. The local authority may provide accommodation for lunatics of the private class.

**Visiting or Asylums Committee.** This Committee is appointed by the local authorities, and its members are known as visitors. The duties include the management of the asylum, the making of rules and regulations for its government, and the appointment and dismissal of officers, including (i) Chaplain, (ii) Medical Officer, (iii) Superintendent, (iv) Clerk, (v) Treasurer.

**The Expenses** of local authorities, in so far as they are not defrayed by the Boards of Guardians, are paid out of the County Fund in the case of the County Council, and out of the Borough Fund in the case of the County Borough Council.

An amount of 4s. per head per week is paid out of the Exchequer Contribution Account to the Guardians and to the county or county borough authority in respect of the maintenance of lunatics.

**Loans** are subject to the consent of the Ministry of Health.

**Accounts** are, in many cases, made up to the 31st March, and are subject to audit by the District Auditor of the Ministry of Health, except in the case of boroughs.

**Annual Returns** have to be made to the Board of Control which necessitates the division of the accounts into—

- (1) Asylum Maintenance Account.
- (2) Building and Repairs Fund Account.
- (3) Farming and Gardening Account.

## PART II. THE MENTAL DEFICIENCY ACT, 1913.

The classes of persons who are mentally defective and are defectives within the meaning of the Act, are those persons whom two medical men are prepared to certify as coming within the definitions laid down for

idiots, imbeciles, feeble-minded persons, and moral imbeciles. The Act came into operation on 1st April, 1914.

**The Central Authority.** The Central Authority is the Board of Control, which was established by this Act. It consists of not more than fifteen Commissioners, viz.—

(a) Not more than twelve Paid Commissioners, at least one being a woman. Of these, four must be Legal Commissioners, appointed by the Lord Chancellor from amongst barristers or solicitors of five years' standing ; and four (at least) are Medical Commissioners, who must be duly qualified medical practitioners of at least five years' standing ; and

(b) Unpaid Commissioners, appointed by the Minister of Health, at least one being a woman.

The Minister of Health appoints one of the Commissioners to be Chairman.

The Board of Control is a Corporate Body, with perpetual succession and a common seal.

The duties of the Central Authority, which may be exercised by an Administrative Committee, include supervision of the administration by the local authorities; certification and approval of premises ; provision and maintenance of State institutions ; administration of grants provided by Parliament ; and such other powers and duties of the Board as may be assigned, including the preparation of annual and other reports.

**The Local Authority.** The Local Authority is the Council of the county or county borough, which is to appoint the Committee for the Care of the Mentally Defective for the purposes of this Act. This Committee is to consist of members of the Council and Poor Law Guardians, or other persons having special knowledge and experience with respect to the care, control, and

treatment of defectives. The number of members of the Committee is determined by the Council, but some must be women, and the majority must be members of the Council.

When a local authority has appointed one or more Visiting or Asylum Committees, then, if the Council of the authority so determines, either the Visiting or Asylum Committee (with the addition of at least two women) may act as the Committee for the Care of the Mentally Defective; or alternatively the Visiting or Asylum Committee (without addition) may represent the Council on the Committee for the Care of the Mentally Defective.

The powers of the local authority under the Act (except the power of raising a rate or borrowing money) may stand referred to the Committee.

The Lancashire Asylums Board is the local authority for the area of the Board, and the provisions of the Lancashire County (Lunatic Asylums and other Powers) Act, 1891, as to expenses, borrowing, accounts, and audit apply accordingly.

Joint Committees or Joint Boards may be constituted with the approval of the Ministry of Health.

**Duties of Local Authority.** The first duty of a local authority is to ascertain which persons within their area are defectives, and therefore subject to be dealt with under Section 2 (1) (b) of the Act; that is to say: (1) Persons who are neglected, abandoned, and without visible means of support or cruelly treated; (2) persons found guilty of crime or found liable to be ordered to be sent to an industrial school; (3) persons already in prison, or undergoing detention in a place of detention, or a reformatory or industrial school, or a lunatic asylum; (4) habitual drunkards; (5) children notified by the education authorities as incapable of receiving benefit

in a special school or without detriment to other children ; and (6) pauper mothers of illegitimate children.

It is the duty of the local authority to provide suitable supervision for such persons. Without the consent of the Board no person may undertake the care of more than one defective, elsewhere than in an institution, a certified house, or an approved home ; and where a person undertakes the care of any defective, he must give notice thereof to the local authority and to the Board. This means that all defectives, except those who are maintained in their own families—which is permitted so long as they are maintained properly—come within the cognizance of the Board of Control and the local authority, and if necessity arises one or both of these bodies will have to take action. Where a defective is under the guardianship of another person in a private dwelling, the local authority may pay for his support. Any one who has a friend in a lunatic asylum can obtain his release on condition that he assumes responsibility over the patient.

Where supervision affords insufficient protection, it is the duty of the local authority to send such persons to institutions, or make provision for their guardianship, and to provide suitable and sufficient accommodation for such persons when sent to such institutions. For this purpose they instruct their officer to bring a petition before a justice of the peace with a statement of particulars stating under which of the above classes the defective is subject to be dealt with, and accompanied by the two medical certificates. If the magistrate approves, he signs an order sending the defective to an institution, the name of which is specified in the order. The order lasts for one year, and is then renewed for another year ; after that it is renewed every five years. Local authorities may provide and manage institutions

of their own. They may combine with other local authorities. In certain cases they may, by agreement, send a defective to a State institution and pay for his support or accommodation whilst there. Section 30 (e) provides that any Council may maintain in an institution, or under guardianship, any defectives other than those whom it is compelled to provide for, but this is subject to the restriction by Section 33, which prohibits a local authority from levying more than a half-penny rate for its optional expenditure. Section 30 (ii) of the Act gives the Board of Guardians power to report to the Ministry of Health persons who are in receipt of relief who, in the opinion of the Board, are defectives subject to be dealt with under the Mental Deficiency Act as described above. In cases where a Board of Guardians or a combination of Unions have provided an institution for defectives with, under Section 37, the approval of the Board of Control, the local authority may send a defective to such an institution and pay for the cost of his detention. Children are usually provided for in special schools as explained in Chapter XVIII.

Other duties of the local authority are to maintain or contribute towards the maintenance of such persons in an institution or approved home, if it thinks fit; to provide, if it thinks fit, for the burial of persons who die in such institution or home; to appoint or employ sufficient officers or other persons to assist in the performance of the duties under the Act; and to make to the Board of Control annual or such other reports as are required.

**Finance.** In order to meet the cost of the work under this Act, Parliament may grant a sum not exceeding £150,000 a year towards any expense incurred by the local authorities, and in addition to this it contributes further amounts for criminals and towards expenses of



societies for assisting and supervising defectives while not in institutions.

**Rates.** The expenses of local authorities, in the case of the County Council, are met out of the County Fund, and in the case of the County Borough Council are defrayed out of the Borough Fund or Rate, or, if no borough rate is levied, out of a separate rate.

**Loans.** Money may be borrowed for a period not exceeding 60 years, and the sums so borrowed need not be reckoned as part of the debt for the purposes of the limitations on borrowing.

**Accounts.** Separate accounts must be kept by the local authorities of their receipts and expenditure under the Act, and are subject to audit by the District Auditor of the Ministry of Health, except in the case of boroughs.

## CHAPTER XXI

### PUBLIC ASSISTANCE

#### PART I. POOR LAW.

**History of Poor Law.** The beginning of the Poor Law was the great statute of Elizabeth, 1601. The reasons for this measure were the result of the abolition of the monasteries by Henry VIII, a series of bad harvests during the reigns of Henry VIII, Edward VI, and Elizabeth, together with the debasement of the coinage, which increased the cost of living by reducing the purchasing power of the currency. The early Poor Law aimed just as much at suppressing vagabondage as at relieving distress. In making provision for the latter, it endeavoured to remove any excuse for the former. The Act, 43rd Elizabeth, 1601, created "Overseers of the Poor," who were to raise in each parish a stock "for setting the poor on work," to put poor children out as apprentices, and to furnish relief for the indigent poor. The churchwardens of every parish were, by the Act of 1601, *ex-officio* overseers of the poor for their parish, and these overseers were to include not less than two, nor more than four, "substantial householders," specially appointed as overseers each year by the Justices of the Peace. Each separate parish was required to maintain its own poor.

The rise of the law of Poor Law settlement in accordance with the Act of 1662 gave the parish authorities power to apply to two Justices of the Peace for an Order to remove from the parish, within 40 days after their arrival, all persons likely to become chargeable to

the Poor Rate, unless they inhabited a tenement of the annual value of £10, or gave security to the satisfaction of the Justices.

Orders for the removal of paupers were recklessly made. By refusing to build or allow to be built any cottages of less than £10 annual value, the landowners effectively kept down the increase of population within their parishes and sowed the seeds of the housing problem in rural areas which has become so very acute in our own day. As a consequence, litigation between parishes became very prevalent and still continues between Unions to-day.

The necessity for a larger area to be taken for Poor Law purposes became apparent, and this was met by the creation of Guardians of the Poor and the early Unions under Gilbert's Act, 1782. Immediately after the passing of the Reform Act, 1832, a Royal Commission was appointed to inquire into the administration of the Poor Laws. As a result of their Report, the Poor Law "Charter" (the Poor Law Amendment Act, 1834) was passed. The whole country was divided into Unions, and Overseers were no longer responsible for poor relief. Boards of Guardians were created, and the central control was placed in the hands of the Poor Law Commissioners, known as the Poor Law Board, which, in 1871, was merged into the Local Government Board. In 1919, the Ministry of Health took over the powers and duties of the Board. The Local Government Act, 1894, abolished the *ex-officio* Guardians, plural vote, elective property qualification, and proxies. Voting was to be by ballot at the election of Board of Guardians, whose sanitary powers were transferred to the Rural District Council. Every Rural District Councillor was to represent his parish on the Board of Guardians of the Union within which his district is situated.

**Central Control.** The Central Authority is the Ministry of Health, which has comprehensive powers of control over the Boards of Guardians. It controls the general management of all matters relating to the execution of the Poor Laws by the issue of "General Orders." These "Orders," subject to a certain control, have in many cases the force and effect of a statute. It advises the Guardians in their doubts and difficulties. It arbitrates between different Boards of Guardians or between a Board and its officers. This is especially important in deciding questions of liability for pauper maintenance. It appoints District Auditors who are civil servants of the State and who audit the accounts under the control of the Ministry of Health. These auditors have power to disallow all payments which are illegal, and to surcharge those Guardians who voted in favour of the resolution directing the illegal payment, or the persons responsible therefor.

**Local Authority.** The local administration of the Poor Law is by Boards of Guardians elected for a Poor Law Union. The administration is uniform, and the statutes are the least permissive of any Local Government law. A Poor Law Union is any parish or union of parishes for which there is a separate Board of Guardians.

A Board of Guardians is a corporate body with perpetual succession and a common seal, and consists of a Chairman, Vice-Chairman, and (usually) one Guardian for every parish of at least 300 inhabitants.

Guardians are elected under the Poor Law Acts Amendment Act, 1834, and the Acts amending same; by the Local Government electors either from among their number, or from persons resident for at least twelve months within the Union.

In rural parishes they are elected as Rural District Councillors, and as such are members of the Board of

Guardians for the Union within which their district is situated.

In urban parishes they are elected as Guardians only. The election is by ballot, subject to the Ballot and Corrupt and Illegal Practices Acts. Each elector has one vote for each of the number of candidates to be elected. The following are not eligible: a paid Poor Law officer of a union or parish in England and Wales, an infant, an alien, a person who has received union or parochial relief, or has been adjudged a bankrupt within five years of the election, or convicted of a crime, or is concerned in certain contracts with the Board.

The term of office is three years, and one-third of the Guardians retire annually on the 15th of April, except where there is a plan of simultaneous retirement every third year.

When a Board of Guardians is constituted it has power to co-opt a Chairman, Deputy-Chairman, and not more than two other persons as additional Guardians.

**Meetings.** Meetings are usually held weekly, but an extraordinary meeting may be called on the requisition of two members.

**Powers and Duties.** Powers and duties, which are usually administered by Committees, include those under the Poor Relief Acts, and the Union Assessment Committee Acts. (See Chapter IX.) They enforce Vaccination Acts, and Infant Life Protection under the Children Act, 1908 (Part I). (See Chapter XIX.) They are responsible for the registration of births, deaths, and marriages, and the appointment and pay of the registrars, and see that they are provided with suitable offices. The Poor Law Union constitutes the district for the registration of births, deaths, and marriages, presided over by a Superintendent Registrar, who is usually (but not always) the Clerk to the Guardians.

Each Union is divided into as many sub-districts as the Registrar-General may deem necessary, and a registrar is appointed for each by the Board of Guardians. Both the Superintendent Registrar and the Registrars may be dismissed by the Registrar-General, who has his office in Somerset House, London, and is under the Ministry of Health.

**Committees.** The Board of Guardians act principally through committees. The Relief Committee considers each case upon the report of the Relieving Officer and the applicant may be called upon to appear in person. The various institutions are also under the control of separate committees. The Guardians decide on the form of relief to be given in accordance with the principles of poor relief contained in the Orders and Statutes.

**Principles of Poor Relief.** The principles of poor relief under the Poor Relief Act, 1601, and the Poor Law Acts Amendment Act, 1834, may be considered as follows—

Relief is provided by the State for its own protection and as a remedy against the evils of destitution. Destitution implies that a subject is for the time being without material resources directly available and appropriate for satisfying his physical needs, whether actually existing or likely to arise immediately. By physical needs are meant such needs as must be satisfied in order to maintain life, or in order to obviate, mitigate or remove causes endangering life or likely to endanger life or impair health or bodily fitness for self-support. The relief provided should be repressive, by making the relief repulsive to the moral sense, and severe in the treatment of the idle, immoral, and vicious. Remedial provision should be made to rear, educate, and train children who are without proper protection

and care. Certain relatives are liable for the maintenance of persons who are destitute.

• **Method of Poor Relief.** The relief provided is either indoor, outdoor, or medical relief.

**INDOOR OR INSTITUTIONAL RELIEF** is maintenance supplied in accordance with the Poor Law Institutions Order, 1913. Such relief is provided in institutions such as general workhouses or institutions, workhouse infirmaries or separate infirmaries, district sick asylums, homes for aged poor, and casual wards. Provision is made for children in district or separate schools, scattered homes, and in boarding out. Cottage homes and special or joint institutions are provided in certain instances under a superintendent.

The **OUTDOOR RELIEF OR DOMICILIARY AILMENT OR HOME ASSISTANCE** is maintenance wholly or in part by means of an allowance in accordance with the Relief Regulation Order, 1911. It includes also payment of funeral expenses, allowance in money or kind to widows, women deserted by their husbands or whose husbands are in the Army or Navy, payment of expenses of children attending Union schools, or the provision of work for able-bodied males.

**MEDICAL RELIEF** is all medical and surgical attendance and treatment and all matters and things supplied by or on the recommendation of the medical officer. Medical attendance on sick persons in their own homes is given by the District Medical Officer on receipt of an order from the Relieving Officer.

**Officers** are appointed subject to, and cannot be dismissed without, the approval of the Ministry of Health. Such officers include the Clerk and Treasurer of the Board, the Master and Matron of the workhouse or institution, Relieving Officers appointed to inquire into and report upon all applications for relief, Medical

Superintendents and Officers of the poor law infirmaries, together with such other officers as the Board of Guardians think necessary.

The Expenses of the Board of Guardians are met by precepts upon the Overseers of all parishes in the Union and are collected as part of the Poor Rate. The Board may recover relief either wholly or in part from certain relatives.

Loans for works of a permanent character are limited to one-quarter, or, by Order of the Ministry of Health, one-half the assessable value of the Union, and are repayable within a period of not exceeding 60 years.

The Accounts of the Boards of Guardians are made up half-yearly to 31st March and 30th September, and are subject to audit by the District Auditor of the Ministry of Health.

### RIGHTS OF ELECTORS.

The General Order of 14th January, 1867, directs that the half-yearly statement, relief order book, and ledger of the Boards of Guardians may be inspected, examined, and copied by any ratepayer, who at any other reasonable time may inspect the books upon payment of sixpence.

### SCOTLAND.

There are no Boards of Guardians in Scotland, the administration of the Poor Law being in the hands of Parish Councils, which are elected in much the same way as the Boards of Guardians in England and Wales. Their work is dealt with in the chapter on Scotland.

### IRELAND.

Boards of Guardians administer the Poor Law and the Free Service of Medical Treatment, which is available



for paupers and non-paupers alike. The method of election is regulated by the Local Government (Ireland) Act, 1919, which is explained in the chapter on Ireland.

## **PART II. PROPOSALS FOR REFORM OF THE POOR LAWS.**

A Royal Commission was appointed on the 4th December, 1905, to inquire into the working of the laws relating to the relief of poor persons in the United Kingdom, and into the various means which have been adopted outside of the Poor Laws for meeting distress arising from want of employment, particularly during periods of severe industrial depression.

Two reports were published under date 4th February, 1909, viz., the Majority Report, signed by 14 members, and the Minority Report, signed by 4 members.

The chief reasons for reform, as stated in the reports, were that pauperism is as rife as it was 40 years ago; the expenditure on poor relief has grown out of all proportion to the number relieved; the calibre and ability of the average Guardian is not high enough, through lack of interest in elections, so that business is mismanaged, and a great deal of distress is left untouched by the Poor Law; and also that the Union bears no definite relation to other authorities who now perform functions which overlap the work of the Guardians.

There were certain **Unanimous Recommendations**, including the abolition of Boards of Guardians and the enlargement of the area of administration from the Union to the County and County Borough.

Other unanimous recommendations were that classified institutions should be provided instead of the general mixed workhouse, and that charitable aid should be organized. Improved administration of out relief should be undertaken and Old Age Pensions provided. Children

should be removed from workhouses, Labour Exchanges established with a State insurance scheme against sickness and unemployment. It was also recommended that the central control should be extended, the number of higher officials increased, and that the Unemployed Workmen Act, 1905, should be discontinued.

**The Majority Recommendations** (other than the above) included the creation of Public Assistance Authorities instead of Boards of Guardians, viz., Committees of County or County Borough for administration purposes. These should set up Public Assistance Committees to be partly nominated by Urban and Rural District Councils and Voluntary Aid Councils to deal with applicants. There should also be established Voluntary Aid Councils and Voluntary Aid Committees to act as intermediaries between public assistance and charity. County and Local Medical Assistance Committees should be created to provide medical relief on a provident basis. Institutional treatment should be curative and restorative, with periodical revision of cases. Outdoor relief should be adequate to needs, subject to careful supervision, the case paper system should be adopted, and a Public Assistance Service should be established with qualifying examinations for higher positions.

**The Minority Recommendations** (other than the above) included the provision that the non-able-bodied should be dealt with by existing committees of the County and County Borough Councils, viz., Education Committee : children of school age ; Health Committee : sick and permanently incapacitated, infants under school age, aged needing institutional care ; Asylums Committee : mentally defective of all grades and ages ; and Pensions Committee : aged to whom pensions are awarded. These Committees should be supervised by

the appropriate Government Departments. The able-bodied should be dealt with by an authority charged only with this specific duty. Unemployment should be under the control of a Minister for Labour charged with the duties previously referred to, together with the training of unemployed and control of Parliamentary funds for national schemes, including afforestation. Registrars of Public Assistance should be appointed for local areas to prevent overlapping of services.

The Local Government Committee appointed by the Ministry of Reconstruction, which reported in January, 1918, also recommends the abolition of Boards of Guardians and the Poor Law Unions, and the transference of the functions of these bodies to the County Councils and County Borough Councils.

## CHAPTER XXII

### THE UNEMPLOYED WORKMEN ACT, 1905

THIS Act was intended for the benefit of those who were respectable workmen settled in a locality, workmen hitherto accustomed to regular work, but temporarily out of work through causes over which they had no control. Preference was to be given to those workmen who had established homes in the neighbourhood, while cases of recurrent distress would be more suitably dealt with under the ordinary Poor Law. In connection with relief works of local authorities, hitherto the rule had been that the work was non-continuous. This, probably, did more harm than good because it was not enough to prevent a workman's home being broken up, while it satisfied those who were content only to work one or two days a week. The object of the Act was to create permanent machinery which would organize and combine and influence, in directions which had been approved by experience, all efforts for the relief of the unemployed. Better machinery was needed to discriminate between the class of persons it was desired to assist and the class who ought to be left to be dealt with by the Poor Law. The question of discrimination was the crux of the whole scheme.

#### MAIN PROVISIONS.

The principal provisions contained in the eight sections of the Unemployed Workmen Act, 1905 (5 Edward VII, cap. 18), which received the Royal Assent on 11th August, 1905, are as follows—

**Organization for London.** The Act provides for the

establishment, by Order of the Ministry of Health : (i) in each Metropolitan borough, of a local Distress Committee (consisting of members of the Borough Council, members of every Board of Guardians in the borough, and of "persons experienced in the relief of distress"); and (ii) in the administrative County of London, of a Central Body (consisting of members of the local Distress Committees, and of members of the London County Council, selected by those bodies, and of co-opted members, and, if the Order so provides, of persons nominated by the Ministry of Health).

THE DISTRESS COMMITTEES are to make themselves acquainted with the conditions of labour within their area, and, when required by the Central Body, are to "receive, inquire into, and discriminate between any applications made to them from persons unemployed." In suitable cases they may endeavour to obtain work for the applicant, or refer the case to the Central Body, but the Distress Committees have no power to provide or contribute towards the provision of work.

THE CENTRAL BODY is to superintend and co-ordinate the action of the Distress Committees, and to aid their efforts by establishing, taking over, or assisting Labour Exchanges, and employment registers, and otherwise. In the case of a person referred to them by a Distress Committee, the Central Body may (a) aid the emigration or removal to another area of that person and any of his dependants; or (b) provide, or contribute towards the provision of, temporary work in such manner as it thinks best calculated to put him in a position to obtain regular work or other means of supporting himself.

The cases which the Distress Committees may assist or refer to the Central Body, if they consider them capable of more suitable treatment than under the Poor Law, are those of persons honestly desirous of

obtaining work, but temporarily unable to do so from exceptional causes over which they have no control. Applications are not to be entertained from persons who have not resided in London for twelve months (or such longer period as the Central Body may determine) immediately before their application.

**EXPENSES.** The expenses of the Central Body and of the Distress Committees, so far as incurred with the consent of the Central Body, are to be defrayed out of a central fund supplied (*a*) by voluntary contributions, supplemented since 1906 by a Treasury grant, and (*b*) by contributions made on the demand of the Central Body upon each Metropolitan borough in proportion to its rateable value. As regards (*b*), the contribution must not exceed in any year the proceeds of a rate of  $\frac{1}{2}$ d. in the £, or such higher rate, not exceeding 1d., as the Ministry of Health may approve. Further, the only expenses which may be paid out of these contributions from the rates are: (i) establishment charges of the Central Body and the Distress Committees, including the expenses incurred in respect of Labour Exchanges and employment registers, and the collection of information; (ii) expenses incurred by the Central Body in aiding emigration or removal to another area; (iii) expenses incurred by the Central Body in relation to the acquisition of land, with the consent of the Ministry of Health.

The Ministry of Health, upon the application of the Council of any borough or district adjoining or near to London may, by Order, extend the above provisions to that borough or district as if it were a Metropolitan borough, and situated in the administrative County of London, with such other modifications and adaptations as may appear to the Board to be necessary.

**Organization Outside London.** In each municipal

borough and urban district with a population of 50,000 and over, a Distress Committee of the Council is to be established, by Order of the Ministry of Health, with duties and powers, so far as applicable, similar to those of the Distress Committees and the Central Body in London. A similar committee may be formed in any municipal borough or urban district with a population between 10,000 and 50,000, if the Council makes application and the Ministry of Health consents.

By an Order, the Ministry of Health, on the application of any County or Borough or District Council, or Board of Guardians, or, if it thinks it expedient, without such application, may establish a Central Body and Distress Committees in any county or part of a county. Where a Central Body and Distress Committees have not been established for the whole of a county, and where a Distress Committee has not been established for a county borough, the Council of the county or borough must constitute a Special Committee of its members, with power to co-opt additional members, who must collect information with respect to the conditions of labour within its area, by establishing, taking over, or assisting Labour Exchanges and employment registers, and in such other manner as it thinks fit, and must supply such information when required.

**General.** The Ministry of Health may make regulations providing, amongst other things and subject to the consent of the Ministry, authority to the Central Body, for the establishment of farm colonies, for the provision of temporary accommodation for persons for whom work upon the land is provided, and for the acquisition of land by agreement for the purposes of the Act.

The provision of temporary work or other assistance under this Act is not to disentitle the person so assisted

obtaining work, but temporarily unable to do so from exceptional causes over which they have no control. Applications are not to be entertained from persons who have not resided in London for twelve months (or such longer period as the Central Body may determine) immediately before their application.

**EXPENSES.** The expenses of the Central Body and of the Distress Committees, so far as incurred with the consent of the Central Body, are to be defrayed out of a central fund supplied (a) by voluntary contributions, supplemented since 1906 by a Treasury grant, and (b) by contributions made on the demand of the Central Body upon each Metropolitan borough in proportion to its rateable value. As regards (b), the contribution must not exceed in any year the proceeds of a rate of  $\frac{1}{2}$ d. in the £, or such higher rate, not exceeding 1d., as the Ministry of Health may approve. Further, the only expenses which may be paid out of these contributions from the rates are: (i) establishment charges of the Central Body and the Distress Committees, including the expenses incurred in respect of Labour Exchanges and employment registers, and the collection of information; (ii) expenses incurred by the Central Body in aiding emigration or removal to another area; (iii) expenses incurred by the Central Body in relation to the acquisition of land, with the consent of the Ministry of Health.

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borough and urban district with a population of 50,000 and over, a Distress Committee of the Council is to be established, by Order of the Ministry of Health, with duties and powers, so far as applicable, similar to those of the Distress Committees and the Central Body in London. A similar committee may be formed in any municipal borough or urban district with a population between 10,000 and 50,000, if the Council makes application and the Ministry of Health consents.

By an Order, the Ministry of Health, on the application of any County or Borough or District Council, or Board of Guardians, or, if it thinks it expedient, without such application, may establish a Central Body and Distress Committees in any county or part of a county. Where a Central Body and Distress Committees have not been established for the whole of a county, and where a Distress Committee has not been established for a county borough, the Council of the county or borough must constitute a Special Committee of its members, with power to co-opt additional members, who must collect information with respect to the conditions of labour within its area, by establishing, taking over, or assisting Labour Exchanges and employment registers, and in such other manner as it thinks fit, and must supply such information when required.

**General.** The Ministry of Health may make regulations providing, amongst other things and subject to the consent of the Ministry, authority to the Central Body, for the establishment of farm colonies, for the provision of temporary accommodation for persons for whom work upon the land is provided, and for the acquisition of land by agreement for the purposes of the Act.

The provision of temporary work or other assistance under this Act is not to disentitle the person so assisted

to be registered or to vote as a parliamentary, county, or parochial elector, or as a burgess.

It is provided that the Act, which applies to the whole of the United Kingdom, shall remain in force for three years. It has been renewed from time to time under the Expiring Laws Continuance Act.

Officers may be employed for the efficient exercise of the powers and discharge of the duties of the Committee.

The Expenses of administration are limited to a rate of  $\frac{1}{2}$ d. in the £, or, with the approval of the Ministry of Health, 1d. in the £, but the provision of work must be defrayed out of voluntary or Treasury funds. Work to which Provincial Distress Committees can contribute must be provided by a local authority or public body.

Loans. Money may be borrowed only for the purchase of land, and is to be repayable within a period not exceeding 60 years.

Accounts are made up yearly to 31st March, and are subject to audit by the District Auditor of the Ministry of Health.

## CHAPTER XXIII

### THE OLD AGE PENSIONS ACTS

FOR many generations it has been part of the privileges of a good citizen to encourage thrift among the workers. There have also been charitable citizens who have, in many villages and towns, provided alms-houses and charities whereby the poor have been provided for in old age. These benefactions have not been adequate, and it became evident that the community at large—through the State—should make some contribution to aid those citizens who, by reason of old age, were not able to participate in the general prosperity of the nation. The Gladstone Administration of 1881 first promised to undertake the task, and for 25 years the matter was under consideration. In 1906 the Liberal Party pledged itself to the matter, and finally, the Old Age Pensions Act, 1908, was passed, this being followed by the revised Act of 1911 and the amending Act of 1919.

#### PENSION AUTHORITY.

The Central Pension Authority is the Ministry of Health, but the pensions are payable through the Post Office, which also provides the necessary forms of application for the pensions. The Pension Officers are appointed by and are in the service of the Board of Customs and Excise.

The local Pension Authorities are the Local Pension Committees. The Council of every borough or urban district having a population of 20,000, as well as the Council of the county, excluding the area of such

boroughs or urban districts, appoints a Local Pension Committee for its own area. The members of such a Committee are not necessarily members of the Council, and women may be members. The number must not be less than seven or not more than the number of members of the Council, as decided by it. The quorum must not be less than three. The term of office is three years, or such less time as the Council decides.

The Clerk of the Committee is to be a fit person appointed by the Committee, to hold office during its pleasure. Usually, the Clerk of the appointing Council is appointed.

#### QUALIFICATIONS FOR PENSION.

The qualifications for a pension are that the person must satisfy the pension authorities (a) that he has attained the age of 70, and (b) that for at least ten years up to the date of the receipt of any sum on account of a pension he has been a British subject. (The condition as to nationality shall not be required to be fulfilled in the case of a woman who satisfies the pension authorities that she would have fulfilled the conditions but for her marriage with an alien.) The person must satisfy the pension authorities, if he is a natural born British subject, that since attaining the age of 50 years he has had his residence in the United Kingdom for an aggregate period of not less than 12 years. If he is not a natural born British subject he must satisfy the pension authorities that he has had his residence in the United Kingdom for an aggregate period of not less than 20 years.

"Residence" means actual presence for at least twelve years in the aggregate out of the twenty preceding years.

For the purpose of computing the twelve years'

residence in the United Kingdom the following are included—

(a) Employment in service of the Crown, or as the wife or servant of a person in any service so remunerated.

(b) Any periods spent in the Channel Islands or the Isle of Man by a person resident in the United Kingdom.

(c) Periods spent abroad while maintaining or assisting dependents in the United Kingdom.

(d) Service on board a vessel registered in the United Kingdom.

(e) Periods of temporary absence, not exceeding three months in duration at any time, are to be counted as periods of residence in the United Kingdom if throughout absence the home was in the United Kingdom.

The person must satisfy the pension authorities that his yearly means as calculated under this Act do not exceed £49 17s. 6d.

### DISQUALIFICATIONS.

Disqualification attaches to a person while he is an inmate of any workhouse or Poor Law institution (other than for medical or surgical treatment during a period of three months), and during detention under the Lunacy Acts.

### PROCEDURE.

If a person desires to claim a pension under the Act, he or she may obtain the necessary form at the local Post Office. The postmaster will give any necessary help in filling up the form, and will furnish the address of the Local Pension Officer, to whom, after the form has been filled up, it should be posted or delivered.

On receipt of the claim, the Pension Officer will investigate it and then submit it to the Local Pension Committee with a report.

The Clerk to the Committee is required to arrange a meeting within seven days, and the claim is decided forthwith.

In case of objection, the claim is adjourned for a further meeting not more than a month after the date of original meeting, and notice is sent to the claimant.

At the adjourned meeting the Committee gives a decision, and sends notice to the Pension Officer and the claimant.

Notice of appeal against any decision may be sent within seven days to the Ministry of Health, whose decision is final.

### AMOUNT OF PENSION.

1. Where the yearly means of the claimant or pensioner as calculated under the Old Age Pensions Acts, 1908 and 1911—

		PER WEEK	
		s.	d.
(a)	Do not exceed £26 5s.	10	—
(b)	Exceed £26 5s. but do not exceed £31 10s.	8	—
(c)	Exceed £31 10s. but do not exceed £36 15s.	6	—
(d)	Exceed £36 15s. but do not exceed £42	4	—
(e)	Exceed £42 but do not exceed £47 5s.	2	—
(f)	Exceed £47 5s. but do not exceed £49 17s. 6d.	1	—
(g)	Exceed £49 17s. 6d.	nil	

2. In the case of a claimant who is one of a married couple living together in the same house—

Where the combined yearly means of husband and wife :

		PER WEEK	
		s.	d.
(a)	Do not exceed £52 10s.	20	—
(b)	Exceed £52 10s. but do not exceed £63	16	—
(c)	Exceed £63 but do not exceed £73 10s.	12	—
(d)	Exceed £73 10s. but do not exceed £84	8	—
(e)	Exceed £84 but do not exceed £94 10s.	4	—
(f)	Exceed £94 10s. but do not exceed £99 15s.	2	—
(g)	Exceed £99 15s.	nil	

# CALCULATION OF MEANS.

(a) In calculating the means of a person, account is taken of the yearly value of any property belonging to that person (not being property personally used or enjoyed by him) which is invested, or is otherwise put to profitable use by him, or which, though capable of investment or profitable use, is not so invested or put to profitable use by him. This is calculated as follows, viz.—

(i) The first £25 of the capital value of the property is excluded; and

(ii) The yearly value of the next £375 of the capital value of the property is taken to be one-twentieth part of the capital value; and

(iii) The yearly value of so much of the capital value of the said property as exceeds the sum of £400 is taken to be one-tenth part of the capital value.

(b) Account is also taken of the income which that person may reasonably expect to receive during the succeeding year in cash, excluding any sums receivable on account of an old age pension under this Act, and excluding any sums arising from the investment or profitable use of property (not being property personally used or enjoyed by him), such income, in the absence of other means for ascertaining its value, being taken to be the income actually received during the preceding year. In calculating the income mentioned, no account is taken of any amounts received, during a period of not more than three months in any year by a person or by the husband or wife of a person as the case may be, under a medical certificate as sickness benefit from a friendly society or trade union, or under the National Insurance Acts.

(c) No account is taken of the furniture and personal effects of a person, whatever the value thereof may be.

(d) Where a husband is separated from his wife, any sum paid by him to her under a separation is deducted in calculating his means.

In calculating the means of a person being one of a married couple living together in the same house, the means are taken to be half the total means of the couple ; and where either of the couple or the couple jointly is entitled to any property, each of them is deemed to be entitled to one-half of that property.

**Blind Persons.** The Blind Persons Act, 1920, provides that the statutory age for the receipt of old age pension in the case of a person who is so blind as to be unable to perform any work for which eyesight is essential, is reduced from 70 to 50 years. The procedure and other conditions are similar to those which relate to old age pensions.

**Finance.** The sums required for the payment of old age pensions under these Acts are paid out of moneys provided by Parliament.



## CHAPTER XXIV

### EMPLOYMENT EXCHANGES (LABOUR EXCHANGES ACT, 1909)

PROFITING by experience under the Unemployed Workmen Act, 1905, and guided by the unanimous recommendations of the Royal Commission upon the Relief of the Poor which reported in 1909, the Government proceeded to extend the practice of Labour Exchanges by passing the above-named Act.

#### OBJECTS.

The objects of the Act include the provision of a voluntary market for Labour which had in many trades remained unprovided for. This resulted in the prevention of economic waste of time on the part of both employers and workpeople, for the former were enabled always to know where to obtain labour, while the workpeople in search of employment were always able to know where to seek it. This has resulted in a reduction of casual labour and vagrancy. The creation of these Exchanges made the provision of statistics relative to the conditions of labour a standing feature of their work, whereby they are enabled to afford accurate information of the position of affairs in industry. They have also made possible the provision of machinery for insurance against unemployment.

The guiding principles of such a system are their national character, covering as they do the whole of the United Kingdom, and their administration by the Central Government; they are industrial and not charitable, free and voluntary to both employers and

workpeople, and impartial as between employers and workpeople.

### DEFINITION.

According to the definition in the Act, a "Labour Exchange" means any office or place used for the purpose of collecting and furnishing information, either by the keeping of registers or otherwise, respecting employers who desire to engage workpeople, and workpeople who seek engagement or employment.

In October, 1916, it was announced by the Government that in future the Labour Exchanges would be termed "Employment Exchanges," a title which corresponds more accurately to their normal functions.

### ADMINISTRATION.

The Employment Exchanges are now administered by the Ministry of Labour, which may establish and maintain Exchanges in such places as it thinks fit, or assist Exchanges maintained by other authorities and persons. It may also co-operate with other authorities and persons, and may take over Employment Exchanges by agreement with the authority or person by whom any such Employment Exchange is maintained. By such other means as it thinks fit, it may collect and furnish information as to employers requiring workpeople and workpeople seeking engagement or employment.

An important feature of the work connected with the Employment Exchanges has been the establishment of Local Employment Committees consisting of representatives of employers and trade unionists. These have established Juvenile Employment Committees, which are setting up After-Care Committees in various areas for dealing with the problem of juvenile employment.

Regulations are made by the Ministry of Labour for

the management of Employment Exchanges, for authorizing advances (on loan) to workpeople travelling to places where employment has been found through the Exchange, and for providing that no one should be disqualified or prejudiced for refusing to accept employment found through an Employment Exchange where the ground of refusal is either that a dispute which affects his trade exists, or that the wages offered are lower than those current in the trade in the district where the employment is found. The Regulations require to be laid before Parliament for 40 days.

(The Choice of Employment Act, which gives power to local authorities to make arrangements to give boys and girls assistance with respect to the choice of suitable employment, is referred to in Chapter VIII.)

**Penalties.** Any person knowingly making a false statement or false representation to an officer of an Employment Exchange, for purpose of obtaining employment or procuring workpeople, is liable in respect of each offence, on summary conviction, to a fine not exceeding £10.

The Employment Exchanges are responsible for the administration of the Unemployment Insurance Acts, as described in Chapter XXVII.

**Officers.** Officers and servants are appointed by the Ministry of Labour subject to approval of the Treasury.

**Finance.** Expenses incurred by the Ministry of Labour are defrayed out of moneys provided by Parliament.

Employment Exchanges have but an indirect bearing upon Local Government, and for a fuller statement of their administration reference may be made to *Social Administration* (Pitman).

## CHAPTER XXV

### TRADE BOARDS

#### PART I. THE TRADE BOARDS ACTS, 1909 to 1918.

THE first suggestion of Trade Boards is to be found in John Stuart Mill's *Political Economy*. They are also referred to in Webb's *History of Trade Unionism*. The first legislation was in the Colony of Victoria, on the initiative of Mr. Deakin, who received much encouragement from the late Sir Charles Dilke.

**Objects.** The object of Trade Boards is to remedy existing abuses in regard to sweated industries. Sweating is understood to mean that the work is paid for at a rate which, in the conditions under which many of the workpeople do it, yields to them an income which is quite insufficient to enable an adult person to obtain anything like proper food, clothing, and house accommodation.

**Administration.** The Trade Boards Acts are administered by the Ministry of Labour, whose officers have power to enter workshops and inspect wages sheets, and have the same power to take and conduct proceedings as is possessed by Factory Inspectors.

The Acts applied originally to all workers in the following trades—

Ready-made and wholesale bespoke tailoring, and any other branch in which the Ministry of Labour considers that the system of manufacture is generally similar to that prevailing in the wholesale trade; the making of boxes or parts thereof, made wholly or partially of paper, cardboard, chip, or similar material; machine made lace and net-finishing, and mending or

darning operations of lace curtain finishing ; hammered and dollied or tormied chain making.

**Extension of Acts.** The Ministry of Labour may make a Provisional Order applying this Act to any specified trade to which it does not at that time apply if they are satisfied—

(a) That the rate of wages in any branch of the trade is exceptionally low, as compared with other employments ; and

(b) That the other circumstances of the trade are such as render the application of this Act to the trade expedient.

In accordance with this provision, the Trade Boards Provisional Orders Confirmation Acts, 1913, extends the application of these Acts to the following trades, viz., sugar confectionery and fruit preserving, shirt making, hollow-ware making (including boxes and canisters), linen and cotton embroidery.

By the Trades Boards Act, 1918, the Trades Boards Act, 1909, is to apply to any other trades to which it has been applied by a Provisional Order or a Special Order made under the Act by the Ministry of Labour.

**Special Order.** The Minister of Labour may make a Special Order applying the principal Act to any specified trade to which the Act does not apply. If at any time he is of opinion that the conditions of employment in any trade to which it is applied have so altered as to render the application of the principal Act to the trade unnecessary, he may make a Special Order withdrawing that trade from the operation of the Act.

**Trade Boards** are constituted in accordance with regulations made under these Acts, for any trade to which this Act applies. They consist of representatives of employers and workers in equal numbers, together with members appointed by the Ministry of Labour.

These must at no time exceed the whole of the former in number. Women are eligible both as appointed and as representative members.

**Duties of Trade Boards.** Since the passing of the Trade Boards Act, 1918, a Trade Board has power to fix a general minimum trade rate of wages for time work. It may also fix—

(a) A general minimum piece rate of wages for piece work.

(b) A minimum time rate to apply in the case of workers employed on piece work.

(c) A guaranteed time rate (whether a time rate or a piece rate) to apply in substitution for a minimum rate which would otherwise be applicable.

(d) An overtime rate.

The Trade Boards are authorized to apply such rates either universally to the trade or to any special process or to any class of workers, or to any special area.

They may establish District Trade Committees, and refer to them any matter which they think expedient, other than special minimum piece rates.

The Trade Boards are empowered to announce to employers the making of an Order affecting their trade, and to furnish them with particulars. They are also empowered to consider matters referred to them by Government Departments, and to make recommendations to any Government Department with reference to the industrial conditions of the trade.

**Confirming Order.** This is issued by the Minister of Labour within one month from the date on which the notification from the Trade Board is received. It is obligatory on all persons employing labour, or employed.

Any minimum rate or the cancellation or variation of any such rate then becomes effective as from the date specified in the Order.

A Provisional Order, or Special Order under the Act of 1918, may be made by the Ministry of Labour providing for this Act to cease to apply to any trade, if at any time it considers that the conditions of employment in that trade have been so altered as to render the application of this Act unnecessary.

Officers are appointed by the Ministry of Labour, and their duties include the investigation of complaints and the securing of the due observance of the Act.

**Penalties.** The penalty for not paying the minimum rate is, on summary conviction, a fine not exceeding £20, and £5 for each day after conviction. For refusal to comply with the lawful requirements of officers there is a fine not exceeding £5 in respect of each offence. For a false list, the penalty is a fine not exceeding £20 or three months' imprisonment with or without hard labour. By the Trade Boards Act, 1918, an agent of an employer may be proceeded against as if he were the employer.

In September, 1921, the Minister of Labour announced the appointment of a Special Committee, under the chairmanship of Viscount Cave, to inquire into the working and effects of the Trade Boards Acts, and to report what changes, if any, are required.

## PART II. THE CORN PRODUCTION ACTS.

One of the consequences of the war was the necessity for a development of the agricultural industry. In return for a "protective" policy in favour of the home farmer, it was considered essential that the agricultural labourer, whose economic condition had become a by-word, should receive some consideration. The experiences under the Trade Boards Act were sufficient justification for the extension of the principle to what must always be the key industry of the country.

**Objects.** Among the objects of the Corn Production Act, 1917, was the establishment, by the Ministry of Agriculture and Fisheries, of an Agricultural Wages Board for England and Wales, for the purpose of fixing the minimum rates of wages for "workmen" employed in agriculture; that is to say, the rates of wages which, in the opinion of the Board, are the lowest which ought to be paid to "workmen" in the district for which the rates are fixed.

Workmen include boys, women, and girls; and employment in agriculture includes work not only on farms, but also on osier land, woodland, orchards, market gardens, and nursery grounds.

**Constitution of the Agricultural Wages Board.** The Wages Board consisted of three classes of persons, viz., appointed members directly appointed by the Ministry of Agriculture and Fisheries and not necessarily engaged in agriculture; members representing employers, and members representing workers: these must be equal in number. Women are eligible as members. The appointed members must not be greater in number than one-quarter of the total number of members of the Wages Board. The number of members is fixed by regulation.

**The Duties of the Wages Board** are to fix minimum rates of wages for time-work for all classes of workers. In the case of able-bodied men, the rates must be such as will secure wages which in the opinion of the Wages Board are equivalent to a payment for an ordinary day's work at a rate of at least 25s. a week. The age of 18 has been adopted as the age at which the minimum rate for men becomes payable.

It may, if it thinks it necessary or expedient, also fix minimum rates of wages for piece work. These rates, whether time work or piece work, may be fixed to apply



universally to workers employed in agriculture, or differently for different districts, or for different classes of workers, or for different kinds and conditions of employment.

The duties of the Wages Board are also to define certain payments in kind which may be reckoned in part payment of such wages. The Board has issued an Order defining the particular "benefits and advantages" which may be so reckoned. The Order names the maximum amount (three shillings) which may, under any circumstances, be deducted from the cash wage in respect of a cottage provided by an employer.

District Wages Committees are established by the Wages Board, which may refer to them any matter which it thinks expedient.

#### **CORN PRODUCTION ACT REPEAL ACT, 1921.**

In June, 1921, the Minister of Agriculture and Fisheries announced that the Cabinet had decided to abolish the Agricultural Wages Board. It was considered that as a permanent institution a Wages Board was unsuitable to the agricultural industry and the decontrol of agriculture was considered a favourable opportunity to abolish the Board.

**Conciliation Committees.** Conciliation Committees have been constituted on a voluntary basis by the Act of 1921. Pending the formation of such committees, the Wages Committees described above are continued as Conciliation Committees with the right to appoint independent chairmen. Orders made by the Ministry upon awards made by committees are enforceable.

**Labour Branch of the Ministry.** With a view to helping in the formation of Conciliation Committees, a Labour Branch has been set up at the Ministry of Agriculture and Fisheries.

## CHAPTER XXVI

### THE NATIONAL HEALTH INSURANCE ACTS

THE objects of the Acts are "to provide for insurance against loss of health, and for the prevention and cure of sickness, and for insurance against unemployment, and for purposes incidental thereto." The Acts were originally divided into two parts: Health Insurance and Unemployment Insurance, but the latter now has separate legislation and is dealt with in the next chapter.

The principles of the National Health Insurance Acts are the protection of health of individual and community, and the provision of a weekly sum to safeguard the home during sickness. The Acts are compulsory and universal in their application to working classes. They are contributory by employers, workpeople, and the State, and are worked principally through Approved Societies.

The Acts are administered by the Ministry of Health through an Advisory Committee, and by the Treasury.

### INSURED PERSONS.

Insured persons include all persons (subject to certain exceptions) between 16 and 70 years of age, who are employed at a rate of remuneration not exceeding £250 per annum in the United Kingdom: (a) under any contract of service or apprenticeship, written or oral, whether expressed or implied; (b) whether paid by employer or some other person; and whether under one or more employers; (c) whether paid by time or by the piece, or partly by time and partly by piece, or

otherwise; or, except in the case of a contract of apprenticeship, without money payment.

All persons employed by manual labour are insurable, no matter what their rate of remuneration may be.

Other insured persons are—

(a) Any one employed under a contract as aforesaid as a master or member of the crew of any ship registered in the United Kingdom; or of any other British ship or vessel of which the owner or managing owner resides or has his principal place of business in the United Kingdom;

(b) A person employed as an out-worker, unless excluded by special order;

(c) A person employed in plying for hire with any vessel or vehicle, the use of which is obtained from the owner under any contract of bailment by payment of a fixed sum, share of earnings, or otherwise;

(d) Any one employed under any local or public authority, unless excluded by special order.

### EXCEPTED PERSONS.

Certain classes of persons are excepted from the provisions of the Acts. These include—

(a) Apprentices without money payment.

(b) Persons learning agriculture without money payment.

(c) Persons fully maintained by employer without money payment.

(d) Wives employed by husbands, and *vice versa*.

(e) Teachers within the provisions of the Superannuation Acts.

(f) Fishing crews sharing profits without any other remuneration.

(g) Civil servants.

(h) Servants of local authorities and railway

companies, where the Ministry of Health certifies that the service secures at least equal benefits to the Acts.

### **VOLUNTARY CONTRIBUTORS.**

Voluntary contributors, as from the 1st July, 1918, are all persons—

(a) Who, having been employed within the meaning of Part I of the principal Act and insured as employed contributors for a period of 104 weeks or upwards, have ceased to be employed contributors and who give notice that they desire to become voluntary contributors.

(b) Who were engaged in any excepted employment in respect of whom the Insurance Commissioners are satisfied that in the special circumstances they should be allowed to be voluntary contributors.

(c) Who were insured as voluntary contributors on the 1st January, 1918, or who, having at any previous time been insured as voluntary contributors, ceased to be so insured by reason of becoming employed contributors and were insured persons at that date, and have in either case since that date continued to be insured persons.

### **EXEMPT PERSONS.**

Exempt persons are persons who come within the provisions of the Act but prove that they are—

(a) In receipt of any pension or income of the annual value of £26 or upwards not dependent upon their personal exertions.

(b) Ordinarily and mainly dependent for their livelihood upon some other person; or

(c) Ordinarily and mainly dependent for their livelihood on the earnings derived by them from an occupation

which is not employment within the meaning of this part of the Act ; or

(d) As from the 1st July, 1918, persons intermittently employed ; or

(e) Engaged in employment which, but for the provisions of the National Health Insurance Act, 1919, would have been excepted from Part I of the National Insurance Act, 1911, and who have not, since the 30th June, 1919, been engaged in any employment which would not have been so exempted.

Certificates of exemption are obtained from the Ministry of Health.

There is an important difference between " excepted " persons and " exempted " persons. In the latter case the employer must still pay his contribution. There is no contribution for excepted persons.

### CONTRIBUTIONS.

The contributions per week as from 5th July, 1920, are :

(a) in the case of ordinary contributors, employer 5d., contributors: men 5d., women 4d. ;

(b) in the case of foreign-going seamen and women, employer 3d., contributors: men 8d., women 7d.

In the case of employed contributors of either sex of 18 years of age and over, whose remuneration does not include the provision of board and lodging by their employer, and the rate of whose remuneration does not exceed 4s. a working day, the following rates apply—

Not exceeding per Working Day.	Employer.		Insured Person.	
	Men.	Women.	Men.	Women.
<i>s. d.</i>	<i>d.</i>	<i>d.</i>	<i>d.</i>	<i>d.</i>
3 -	10	9	<i>nil</i>	<i>nil</i>
4 -	6	6	4	3

Contributions of the voluntary class, i.e. where the income does not exceed £250 per annum, are at the employed rate where medical benefit is given. Where the income is over £250 per annum; no medical benefit is provided and contribution is reduced by 2d. weekly.

Contributions cease at 70 years of age. Employers pay for all employees, whether "exempt" persons or not. In the case of employees who are not "excepted," but to whom certificates of exemption have been granted, the employer's rate is 5d.

In the case of both men and women, Parliament provides two-ninths of the funds required to provide and administer the benefits under the Acts.

Contributions in respect of serving seamen, marines, soldiers, and airmen, are now paid entirely from naval or military funds. No deduction is made from the men's pay.

### **BENEFITS.**

Benefits are of three classes, viz., minimum, additional, and extended benefits.

**Minimum Benefits.** The minimum benefits are—

(a) Medical treatment and attendance, from the date of entrance, including the provision of proper and sufficient medicine and such medical and surgical appliances as may be prescribed by regulations of the Ministry of Health. The National Health Insurance Act, 1920, provides that this shall include treatment and attendance in respect of tuberculosis.

(b) Sickness benefit, as per scale below, commencing on the fourth day of incapacity.

(c) Disablement benefit, as per scale below.

(d) Maternity payment of 40s. to wife or widow.

Sanatorium benefit ceased under the National Health Insurance Act, 1920, and is now provided by Local Authorities.

Sickness and disablement benefits, as from 1st July, 1918, are as follows—

Insured Person who has been insured and has paid contributions for	Sickness Benefit for twenty-six weeks.		Disablement Benefit, so long as rendered incapable of work by disease or disablement.	
	Men.	Women.	Men.	Women.
Over 104 weeks . . .	s. d. 15 —	s. d. 12 —	s. d. 7 6	s. d. 7 6
Under 104 weeks . . .	s. d. 9 —	s. d. 7 6	s. d. 7 6	s. d. 7 6

Sickness benefit is payable so long as incapacity continues up to a maximum period of 26 weeks, after which, if 104 contributions have been paid and the insured person has been in insurance for 104 weeks, he becomes entitled to Disablement Benefit, which continues to be payable so long as he remains incapable of work.

Exempt persons are entitled to either medical benefit or a contribution towards the cost of medical treatment.

**Additional Benefits.** Certain specified additional benefits, and others of the same character as those specified, may be declared by an Approved Society showing a surplus after each quinquennial actuarial valuation, but no provision may be made for death benefits.

**Extended Benefits.** Extended benefits may be declared after the process of the equalization of the contributions of persons entering into insurance one year after commencement of the Act, is complete.

### APPROVED SOCIETIES.

Approved Societies include any society, organization, or body of persons with at least 5,000 members (societies

with less membership may be grouped), approved by the Ministry of Health under the following conditions, viz.—

(a) The section of its work which deals with State Insurance may not distribute any of its surplus funds otherwise than as benefits, whether benefits under this Act or not, among its members.

(b) No profit is to be made out of this branch of its business.

(c) The Society must be mutual so far as this branch of its business is concerned. The affairs must be subject to absolute control of its members, and no honorary members are to have the right of voting on questions and matters arising under the Act.

(d) Separate books and accounts are to be kept, and are to be subject to Government audit.

(e) A valuation of assets and liabilities must be made every five years by the Government, after this the Society has a right to declare additional benefits.

(f) The Society must provide security to compensate the Government against malversation or misappropriation by officials of the society or branch.

**Functions.** The functions of Approved Societies include the admission or rejection of any insured person or any person entitled to become insured, the arrangements for payment of sickness and disablement benefit direct to members or towards their maintenance in institutions, and the investment of one-half of the total reserve fund.

### INSURANCE COMMITTEE.

The local administration is in the hands of the Insurance Committee. It is a body corporate with perpetual succession and a common seal, and is elected for the area of every county and county borough.

A District Insurance Committee is elected for



prescribed areas within the county, and in particular for each borough of 10,000 inhabitants and each urban district of 20,000 inhabitants.

The constitution of the Insurance Committee is a minimum of 40, and a maximum of 80 members, elected in the following proportions by—

- |   |              |
|---|--------------|
| (a) Insured persons and deposit contributors . . . . .  | three-fifths |
| (b) County or county borough (at least two women) . . . .   | one-fifth    |
| (c) (i) Medical Practitioners . . . . 2   | } one-fifth  |
| (ii) Doctors appointed by Council 1   |              |
| or if total of Committee exceeds 60 . . . . 2   |              |
| or if total of Committee is 80 . 3  |              |
| (iii) Remainder by Ministry of Health, at least one being a medical practitioner, and two being women . . . . |              |

The duties of the Insurance Committee include the administration of medical benefit, the formation of panels of doctors and pharmacists, the determination of the income limit for contract; the arrangement of sanatorium treatment for insured persons and their dependents; the management of affairs of approved grouped societies; administration of funds of deposit contributors, and the issuing of regulations respecting payment of their benefits; collection of information and statistics of health of insured persons, and making reports and returns, as may be required by the Commissioners after consultation with the Ministry of Health.

The Committee has power to demand inquiry by the Secretary of State or the Ministry of Health as to excessive sickness, and to arrange lectures and publish information relating to health.

The finance of the Insurance Committee includes the receipt and disbursement of all funds for medical and sanatorium benefits, and general purposes. It possesses a fund for general purposes, and an administration fund.

#### ACCOUNTS AND AUDIT.

The accounts of the Approved Societies and Insurance Committees are prescribed in detail and are subject to audit by Treasury Auditors who have power of surcharge.

Special Provisions are made with respect to naval, military, and air services, mercantile marine, seasonal trades, certificated and other teachers, married women, deposit contributors, etc.

## CHAPTER XXVII

### THE UNEMPLOYMENT INSURANCE ACTS

A COMPULSORY system of insurance against unemployment was amongst the recommendations of the Majority and Minority Commissioners, who reported in 1909 upon the Poor Laws and the Relief of Distress. The subject constituted Part II of the National Insurance Act, 1911. It applied originally to a limited number of industries, but the conditions of benefit and other regulations were amended from time to time. The scope of the Acts was extended and the previous legislation was consolidated by the Unemployment Insurance Act, 1920.

Under the Unemployment Insurance Act, 1920, insured persons, as from 8th November, 1920, are all persons for whom health insurance contributions have to be paid, except out-workers or persons employed in agriculture (including horticulture and forestry) or in private domestic service. A distinction from health insurance is that workpeople over 70 (other than old age pensioners) are insurable.

#### EXEMPT PERSONS.

Exempt persons are the employees of local authorities, railways, and certain other public utility undertakings, and persons with rights under a statutory superannuation scheme, if the Ministry of Labour certifies that they are not subject to dismissal except for misconduct, or for neglect of or unfitness to perform their duties; and that they are employed under conditions which make insurance unnecessary. Workpeople over 70 who are old age pensioners are excluded as regards both contributions and benefits.

## CONTRIBUTIONS.

These were fixed by the Unemployment Insurance Act, 1920, at the following rates—

	From Employer.	From Employee.	Total.
	<i>d.</i>	<i>d.</i>	<i>d.</i>
Men of 18 and over	4	4	8
Women of 18 and over	3½	3	6½
Boys of 16 and under 18	2	2	4
Girls of 16 and under 18	2	1½	3½

To meet the national industrial distress two amending Acts were passed in 1921. As these measures are expected to be temporary and may be amended at an early date, it has not been considered desirable to refer to the alterations in a book devoted to the machinery of Local Government. The reader who is interested in the details of the alterations may be referred to *Social Administration* (Pitman).

A full contribution is payable for each calendar week (commencing Monday) in which there has been any insurable employment.

For every contribution paid in respect of men and women, the State will contribute 2d. and 1½d. respectively, and for each boy's contribution 1½d., and for each girl 1d.

The method of paying contributions is by means of special unemployment insurance stamps, purchased by the employer and affixed by him to an unemployment book. This book must be obtained in the first instance by the employee, who must hand it to the employer.

## BENEFITS.

In respect of each week following the first three days of any period of unemployment, the amount of benefit

is 15s. for men and 12s. for women, or such other rates as may be prescribed either generally or for any particular trade or any branch thereof. For persons under the age of 18, half the rate only is payable. No benefit may be paid for the first three days of a period of unemployment.

### CONDITIONS OF BENEFIT.

The conditions attaching to the payment of benefit are as follow—

(a) That the workman proves that not less than twelve contributions have been paid in respect of him ;

(b) That he has made application for benefit in the prescribed manner, i.e. by presenting his book or card at the Employment Exchange, and proves that since the date of the application he has been continuously unemployed ;

(c) That he is capable of and available for work but unable to obtain suitable employment ;

(d) That he has not exhausted his right to unemployment benefit ;

(e) That, if he has been required to attend at an approved course of instruction, he proves that he duly attended.

It is provided, however, that an insured contributor must not be deemed to have failed to fulfil the statutory conditions by reason only that he had declined—

(a) An offer of employment in a situation vacant in consequence of a stoppage of work due to a trade dispute in that trade ; or

(b) An offer of employment, in the district where he was last ordinarily employed, at a rate of wage lower, or on conditions less favourable, than those which he habitually obtained in his usual employment in that district, or would have obtained had he continued to be so employed ; or

(c) An offer of employment in any other district at a rate of wage lower, or on conditions less favourable, than those generally observed in that district by agreement between associations of employers and employees, or, failing any such agreement, than those generally recognized in that district by good employers.

#### LIMITATION OF BENEFITS.

Benefit is not allowed to continue for more than fifteen weeks, or such other number of weeks as may be prescribed within any insurance year, which begins and ends in July. No workman may receive more benefit than in the proportion of one week's benefit to every six contributions paid by him, or such other proportion as may be prescribed (in accordance with the 1918 Act) either generally or for any particular trade or branch thereof.

Disqualifications for benefit apply to an insured contributor who has lost employment by reason of stoppage of work which was due to a trade dispute at the factory, workshop, or other premises at which he was employed ; or who ceases his employment through his misconduct, or who voluntarily leaves his employment without just cause.

An insured person is disqualified from receiving benefit whilst he is an inmate of any prison or workhouse, or whilst he is resident outside the United Kingdom, or is in receipt of sickness benefit or of an old age pension or benefit under a special scheme. An insured contributor who pays no contributions throughout an insurance year (except by reason of sickness) is also disqualified. Such person is disqualified from receiving unemployment benefit until twelve contributions, exclusive of any contributions paid in respect of him before that year, have been paid in respect of him. Insurance lapses

in the case of a contributor in respect of whom no contributions have been paid during a period comprising five insurance years. If contributions are subsequently paid in respect of him, he is treated as if he had not previously been an insured contributor.

### DECISIONS OF CLAIMS.

The decision on a direct claim to benefit is given in the first instance by an Insurance Officer appointed by the Ministry of Labour. An insured contributor whose claim to benefit has been disallowed has a right of appeal within 21 days to a Court of Referees, consisting of an impartial chairman and representatives of employers and employed persons. In certain cases a further appeal lies to the Umpire (appointed by the Crown), whose decision is final and conclusive.

### REFUND OF WORKMEN'S CONTRIBUTIONS.

On reaching the age of 60, or in the event of death after that age, and having paid at least 500 contributions, the contributions of a workman may be refunded. (Special provision is made for workmen entering employment after reaching the age of 55 years.) A workman or his representative may withdraw his own part of the contributions that have been paid in respect of him, with  $2\frac{1}{2}$  per cent interest. If a workman has drawn benefit, then he may draw the balance after deducting such benefit with interest thereon.

### ARRANGEMENTS WITH ASSOCIATIONS AND SOCIETIES.

The Ministry of Labour may make arrangement with such associations to repay, periodically, to the association the equivalent of such sum which the workmen would have received from the Unemployment Fund,

where such benefit is paid to workmen by the association. The Ministry of Labour may refund, under special provisions, to any association of persons which provides for payments to persons whilst unemployed, whether working in an insured trade or not, not exceeding one-sixth of the aggregate amount expended during any prescribed period.

### **SPECIAL PROVISION FOR H.M. FORCES.**

Provision is made for persons serving in the Navy, Army, or Air Forces, under which they are credited on discharge with 90 contributions, in respect of which they will be entitled to draw fifteen weeks' benefit during unemployment.

### **SPECIAL SCHEMES FOR INDUSTRIES.**

Industries which are willing and able to do so may, with the approval of the Ministry of Labour, contract out of the general scheme of insurance by setting up special schemes of their own, giving equal or superior advantages. If desired, two or more industries may combine to set up a special scheme. Special schemes are to be administered by a Joint Board of Managers representing employers and employed on behalf of the industry or industries concerned. The form and amount of the contributions and benefits must be determined in the scheme itself, and need not be the same as those laid down in the general scheme.

Supplementary schemes may be set up by an industry, even whilst it remains under the general scheme, in order to provide additional benefits, including provision for short time or for unemployment not covered by the general scheme, e.g. the three waiting days, or a higher rate of benefit.

Benefit during the first twelve months of the operation



of the scheme may be drawn (subject to the statutory conditions) up to a maximum of eight weeks as soon as four contributions have been paid (including contributions under the repealed Acts.) Persons who were insured under the repealed Acts and who have sufficient contributions to their credit, will be entitled to more than eight weeks' benefit, subject to the limit of one week's benefit for every six contributions and fifteen weeks' benefit in one insurance year.

#### FINANCE.

Under the control and management of the Government, an Unemployment Fund is established, out of which fund all payments under the Act are made.

## CHAPTER XXVIII

### LONDON

THE powers and duties of the London local governing bodies are distributed in a manner peculiar to London, which has always been singled out for special legislation. This is principally, though not entirely, due to historical reasons, and to the circumstance that in the Metropolis vested interests were stronger and resisted reform longer. London has its own Public Health Act, passed in 1891, its own Building Acts, its own assessment system, and its own Education Act. The principal Metropolitan Local Government Authorities are the London County Council, the Metropolitan Borough Councils, the City Corporation, the Metropolitan Asylums Board, the Metropolitan Boards of Guardians, the Metropolitan Water Board, the Thames and Lea Conservancy Boards, and the Central (Unemployed) Body. One very important feature is that although there are so many local authorities only one rate—the General Rate—is levied and collected throughout the Metropolis, outside the City of London. The area now falls for most purposes into two divisions—the City of London and the County of London.

#### THE LONDON COUNTY COUNCIL.

**Constitution.** The London County Council was established by the Local Government Act, 1888, which created the provincial County Councils. It replaced the Metropolitan Board of Works, which was governed by the Metropolis Management Act, 1855. The London County Council consists of 124 elected representatives (two

from each of the 60 Parliamentary divisions of the Metropolis, and four from the City of London) together with 20 aldermen. The Council has a chairman, a vice-chairman, and a deputy-chairman.

**Election and Term of Office.** Each councillor is elected for three years by the Local Government electors. The aldermen are elected by the councillors for six years. They need not be members of the Council but must be qualified to be councillors.

**Meetings.** The meetings of the whole Council are usually held every week.

**Committees.** As in the case of other local authorities, the work of the Council is principally transacted by Standing Committees, each dealing with business of a particular nature, such as finance, education, tramways, housing, etc.

**Powers and Duties.** These differ widely from those of other County Councils.

The London County Council is the sole authority in the under-mentioned matters: main sewers and sewage disposal, fire brigade, street improvements (Metropolitan in character), tunnels and ferries, bridges over the Thames (except those in the City), and minor county bridges. It is responsible for the maintenance and lighting of the Thames Embankment. It maintains certain main streets and executes street improvements, and generally supervises Public Health functions. The work is usually done by the Metropolitan Borough Councils but paid for by the London County Council. The London County Council sends representatives to the Central Body established for the administrative County of London under the Unemployed Workmen Act, 1905. It regulates the speed of tramcars, etc., the closing of streets, sanctioning of street names and numbering of houses. The administration of the

building laws and the Contagious Diseases of Animals Acts are also in its hands. The London County Council is responsible for the maintenance of parks and open spaces, provision of municipal tramways, licensing of theatres, regulation and inspection of common lodging-houses, and the licensing of slaughter-houses. The London County Council also enforces the provisions of the Employment of Children Act, the Motor Car Act, Muzzling Orders, Rabies Act, Overhead Wires Act, Coal and Bread Act, Infant Life Protection Act, and Midwives Acts. It administers the whole of the education for the Metropolis in accordance with the London Education Act, 1903, which closely follows the Education Act, 1902, described in the chapter on Education.

In the City of London the following duties are performed by the City Corporation (elsewhere the London County Council is the sole authority): Inspection of water, examination of gas, provision of asylums for lunatics, maintenance of bridges and mortuaries, enforcement of the Shop Hours Act, regulation of offensive trades, enforcement of the Petroleum and Explosives Acts, inspection of weights and measures, regulation of traffic, and the appointment of Coroner.

Unlike the provincial County Councils, the London County Council has nothing to do with the control of police within its area, the Metropolitan Police being directly administered by Commissioners appointed by the Home Office.

The Housing of the Working Classes Acts are administered jointly by the London County Council and the Metropolitan Borough Councils, although the latter may erect workmen's dwellings. The London County Council undertakes the clearance of large slum areas, i.e. those which are general in character and not particular to any one borough.

The London County Council maintains the reformatory and industrial schools which are not under the control of the Metropolitan Asylums Board, together with lunatic asylums and inebriates homes.

**Control Over the Metropolitan Borough Councils.** The London County Council has large powers of control over the Metropolitan Borough Councils by the issue of by-laws. All loans required by the Metropolitan Borough Councils must be sanctioned by the County Council.

**Officers.** The principal officers are similar to those appointed by the provincial County Councils, together with the comptroller, architect, valuer, solicitor, chemist, chief officer of public control department, chief officer of parks department, statistical officer, clerk of asylums committee, and chief officer of fire brigade.

**Finance.** The sources of income are the tolls, fees, fines, rents, interest on loans to Borough Councils, profits on municipal enterprises, and contributions from the Imperial Exchequer. The deficiency is obtained by the issue of precepts upon the Metropolitan Borough Councils.

By an equalization scheme, the London County Council has power to spread rateably over the whole county a certain portion of the amounts expended on sanitary matters by all the London authorities.

The Metropolitan Asylums Board also administers a small equalization grant. The Common Poor Fund—administered by the Ministry of Health—performs a somewhat similar function for Boards of Guardians. The result of this "equalization" has been that by raising the rates in the City and some adjacent parishes, the rates in the poor parishes have been reduced.

The accounts are audited by the District Auditor of the Ministry of Health.

The London County Council, on the 4th March, 1919,

passed a resolution requesting the Local Government Records and Museums Committee to consider and report as to the desirability of pressing the Government to institute an inquiry into the question of the Local Government administration of Greater London. (See page 305.)

### THE METROPOLITAN BOROUGH COUNCILS.

**Constitution.** The Metropolitan Borough Councils were constituted by the London Government Act of 1899. They are 28 in number and are styled as follows: Battersea, Bermondsey, Bethnal Green, Camberwell, Chelsea, Deptford, Finsbury, Fulham, Greenwich, Hammersmith, Hackney, Hampstead, Holborn, Islington, Kensington, Lambeth, Lewisham, Paddington, Poplar, St. Marylebone, St. Pancras, Shoreditch, Southwark, Stepney, Stoke Newington, Wandsworth, Westminster, and Woolwich. These 28 Borough Councils have taken the place of 127 local authorities, made up of 73 vestries elected under the Metropolis Management Act, 1855, 12 District Boards, 1 Local Board of Health, 12 Burial Boards, 19 Boards of Library Commissioners, and 10 Boards of Baths and Wash-houses Commissioners.

Other boroughs, such as Hornsey or West Ham, which are within the area commonly called "Greater London," are not Metropolitan boroughs, and thus do not come under the control of the London County Council.

**Constitution.** The Councils of the Metropolitan boroughs consist of a mayor, aldermen, and councillors. The councillors in the different boroughs vary in number from 30 to 60.

The councillors are elected triennially by the Local Government electors, all the councillors retiring at the same time. The aldermen number one-sixth the number of councillors, and are chosen by the councillors for

six years, one-half retiring triennially. A minister of religion may be a member of a Metropolitan Borough Council, if otherwise qualified.

**Meetings.** The Councils usually meet once a month, as in the case of the provincial Borough Councils.

**Committees.** The larger part of the work of the Metropolitan Borough Councils is performed by committees, which are usually similar to those of the provincial boroughs, already described.

**Powers and Duties.** Although many important duties are performed by the London County Council, the Metropolitan Borough Councils have considerable local powers and duties, having had transferred to them the powers, duties, property, and liabilities (except those relating to church affairs) of the old Vestries and District Boards, and, in addition, were granted a number of new powers, the great majority of which had previously been exercised by the London County Council. The following are the principal duties: the construction and repair of drains and sewers other than the main sewers, the direction of local street improvements, the enforcement of building by-laws, the maintenance, paving, cleansing, watering, and scavenging of all streets (except the Thames Embankment, which is maintained directly by the County Council). The maintenance of the main streets is carried out by the Metropolitan Borough Councils and paid for by the London County Council. The removal of refuse, the abatement of nuisances, the enforcement of provisions regarding infectious diseases are also undertaken by them. The administration of the Food and Drugs Acts, the registration of dairies, the sanitation of factories and bakehouses, the prevention of overcrowding, the inspection of slaughter-houses and canal boats, the provision of mortuaries, burial grounds, the

provision of baths and wash-houses, are part of the functions of the Metropolitan Borough Councils, who possess joint powers with the London County Council under the Housing of the Working Classes Acts. The Metropolitan Borough Councils have power to provide open spaces, public libraries, public lighting, control over the laying down of electric cables, and control of certain markets. They prepare also the register of electors, and the valuations for the assessment of rates, as described in the chapter on the "Overseer of the Poor." They are also responsible for the collection of the rates.

**Standing Joint Committee.** An important and unique feature is the Metropolitan Boroughs Standing Joint Committee. This Committee consists of representatives of the Cities of London and Westminster and of the Metropolitan Borough Councils. It meets quarterly under the chairmanship of one of its members, with the Town Clerk of one of the boroughs as honorary secretary. It considers recommendations made to it by its Executive Committee or by any of the boroughs, and passes resolutions for the information of the London County Council and the respective boroughs. The proceedings throughout are quite voluntary, and no borough can be required to be represented upon the Committee.

**Officers.** The principal officers are the town clerk, accountant, treasurer, surveyor, engineer, solicitor, medical officer of health, public analyst, one or more sanitary inspectors, and inspectors of workshops where women are employed, and librarian.

**Finance.** The sources of income are the fines, dues, rents, profits from municipal undertakings, and grants from the Imperial Exchequer. The deficiency is met from the rates, the demand notes for which must clearly state the several purposes for which they are made, and



the approximate amount in the pound required for each purpose.

The accounts are made up annually and are audited by the District Auditors of the Ministry of Health.

### THE CITY CORPORATION.

The City is an area of about a square mile in the heart of London, divided into 26 wards.

**Constitution.** The City Corporation is under the control of the Court of Aldermen, the Court of Common Council, and the Court of Common Hall.

The Court of Aldermen consists of the Lord Mayor and the aldermen, who are *ex-officio* Justices of the Peace. It is the only surviving sample in England of a municipal second chamber. The Court of Aldermen licenses brokers and elects the Recorder. It also makes the final selection of one of the two aldermen who have been nominated by the Court of Common Hall for the office of Lord Mayor.

The Court of Common Council consists of the Lord Mayor, 26 aldermen, and 206 common councillors. It is not like Town and County Councils, i.e. merely an executive body, but it is also a legislative assembly, and is able to re-model its own constitution. For some duties it is still the sole Metropolitan authority. The Court of Common Council is the main legislative and executive body.

**Election and Term of Office.** THE COMMONERS who are members of the Common Council are elected annually in different proportions in the 26 wards, by the City electors, being persons who have a property qualification in the City. THE ALDERMEN are elected when vacancies occur in the various wards, and they hold office for life. One is elected for each of 24 of the wards. Two wards elect one between them, and the remaining alderman sits for the nominal ward of Bridge-Without. THE LORD

MAYOR is chosen annually by the Court of Aldermen from two aldermen nominated by the Liverymen in the Court of Common Hall. THE SHERIFFS are elected by the Court of Common Hall and hold office for one year.

**Meetings.** The Court of Common Council usually meets every week.

**Committees.** There are a number of Standing Committees which usually meet fortnightly or monthly, each dealing with business of a particular nature, such as City lands, coal and corn, improvements, streets, sanitation, markets, libraries, school of music, accounts, law and city courts, asylums, police, etc.

**Powers and Duties.** In addition to the general powers and duties administered and performed by Metropolitan Boroughs, the City Corporation is the sole sanitary authority for the Port of London. It has jurisdiction over all markets within 7 miles of its boundary. It has the Lord Mayor's Court and the City of London Court for civil purposes, and it maintains a separate police force. Criminal jurisdiction is administered in its own Police Courts, held daily at the Mansion House and Guildhall, presided over by the Lord Mayor and aldermen sitting in turn. It is outside the jurisdiction of the London County Council for the performance of several duties. It maintains the City bridges, West Ham Park, and the Epping Forest, although they are outside the city boundary. It provides its own lunatic asylums and administers the extensive trust funds of the City. For educational purposes the City Corporation ranks as a Metropolitan Borough Council. The City Coroner has the distinction of holding Fire Inquests.

**Officers.** The principal officers are the town clerk, chamberlain, recorder, common serjeant, judges of the City of London Court, comptroller, remembrancer, solicitor, surveyor, engineer, medical officer, port

medical officer, coroner, librarian, director of art gallery, and commissioners of city police.

**Finance.** The sources of income are the City rates, tolls, fines, rents, contributions from the Imperial Exchequer, etc.

### **LIVERYMEN.**

Liverymen are members of the City Livery Companies which are the survivors of the ancient Gilds or associations of craftsmen, such as the Ironmongers, Fishmongers, Goldsmiths, Stationers, Merchant Taylors, Apothecaries, etc. The governing body of the company is the Master, Wardens and a Court of Assistants. The Master and Wardens are elected each year, but vacancies in the Court are filled by co-optation and appointments are made for life. Membership is of three classes: ordinary freemen, liverymen, i.e. men who have paid for the ancient right to wear the "livery" of the old Gild, and members of the Court. Any freeman of a Livery Company has the right to claim the freemanship of the City and these constitute the Court of Common Hall.

The Court of Common Hall is an assembly of the Lord Mayor, aldermen, sheriffs, and all the "liverymen." It nominates on Michaelmas Day each year two aldermen for the office of Lord Mayor, and these are submitted to the Court of Aldermen for final selection. It also elects the Sheriffs, the Chamberlain, and other corporate officers.

### **METROPOLITAN ASYLUMS BOARD.**

The Metropolitan Asylums Board consists of 73 members, of whom 55 are elected by the Metropolitan Boards of Guardians, and 18 members are nominated by the Ministry of Health. It was established in 1867.

**Duties.** The duties of the Board include the maintenance of isolation hospitals for London for pauper and non-pauper cases alike, and of sanatoria and

hospitals for tuberculous patients, whether insured persons under the National Health Insurance Acts or otherwise. It provides an ambulance service for the removal of patients.

The Board maintains asylums for mentally defectives, as distinct from lunatics. The non-pauper lunatics of the Metropolis are treated at asylums managed by the Asylums Committee of the London County Council. It also provides a training ship for boys for sea service, under the Metropolitan Poor Amendment Act, 1867. Provision is also made for sick and convalescent children of various classes under the Poor Law, together with the casual poor, as also for the maintenance of the casual wards which were administered, prior to 1st April, 1912, by the separate Boards of Guardians. The Board also maintains institutions for parturient women suffering from venereal disease, hospitals for treatment of certain cases of ophthalmia neonatorum, as well as a colony and home for sane epileptics. The expenses of the Board are borne equally by the Unions represented.

#### **METROPOLITAN WATER BOARD.**

The Metropolitan Water Board is constituted under the provisions of the Metropolis Water Act, 1902.

The Board consists of 64 representatives nominated by the local authorities concerned, namely, the London County Council, and five other County Councils, the Metropolitan Borough Councils, and the City of London, together with boroughs and urban districts served by the Water Board. The duties of that Board consist in administering the undertakings of the eight Metropolitan Water Companies which were expropriated under the terms of the Act. It is responsible for the water supply for an area including the County of London and about 500 square miles of the environs.

**THE THAMES CONSERVANCY BOARD.**

The Board consists of delegates appointed by the Admiralty, Board of Trade, Trinity House, City of London Corporation, Councils of various counties and county boroughs, owners of ships, docks, barges, etc., and of wharfingers. It is the responsible river and harbour authority, and is invested with powers for regulating navigation, order and fishing, the registration of vessels, and for preserving the flow of the water in the River Thames. Its jurisdiction extends from the estuary of the Thames to the source of the river in Gloucestershire. The income of the Board is obtained from various tolls, fees, rents, licences, dues, and payments from the water and canal companies.

**THE LEA CONSERVANCY BOARD.**

The Board is formed of delegates nominated by the local authorities concerned. The River Lea is navigable for 29 miles, and the Metropolitan Water Board takes water from it.

**CENTRAL (UNEMPLOYED) BODY.**

This authority was constituted under the Unemployed Workmen Act, 1905, for the purpose of administering that Act, as outlined in Chapter XXII.

**ROYAL COMMISSION ON THE LOCAL GOVERNMENT OF GREATER LONDON.**

In October, 1921, it was officially announced that a Royal Commission, under the Chairmanship of Viscount Ullswater, had been appointed "To inquire and report what, if any, alterations are needed in the local government of the administrative County of London and the surrounding districts, with a view to securing greater efficiency and economy in the administration of local government services and to reduce inequalities which may exist in the distribution of local burdens as between different parts of the whole area."

## CHAPTER XXIX

### SCOTLAND

APART from the work of the Sheriffs and Justices of the Peace, the local administration in Scotland was for long carried on by the Commissioners of Supply, as the county or intermediate authority, and by the Kirk Sessions and Heritors as the local authority. In 1845, Parochial Boards were established to take over the Poor Law administration, and to this work was added the care of public health in 1867. To these were added the School Board, the District Lunacy Board, and the County Road Trustees. Consequently, when the re-organization of local government took place in 1888 and 1894, there was merely a change in the mode of constituting the authorities rather than a complete re-modelling of the system. The County Council absorbed the County Road Trustees and, by taking over the Public Health service, replaced the Commissioners of Supply, while popularly elected Parish Councils superseded the Parochial Boards. The School Boards and the District Lunacy Boards alone remained and the former have been replaced by Education Authorities.

There are now six classes of Local Authorities in Scotland, viz., Burghs, County Councils, District Committees, Education Authorities, Parish Councils, and District Boards of Control. In Scotland there are neither Urban nor Rural District Councils nor Overseers.

**Qualifications.** The County, Town, and Parish Councils (Qualification) (Scotland) Act, 1914, provides that any person, of either sex and of full age and not being subject to any legal incapacity, is qualified to be elected

a councillor. This qualification is in addition to any other qualification.

### BURGHs.

Burghs, which are the equivalent of the provincial boroughs in England and Wales, are of three classes, viz., Royal Burghs, Parliamentary Burghs, and Police Burghs.

THE ROYAL BURGHs were incorporated by Royal Charter and hold their rights directly from the Crown, e.g. the Royal Burgh of Ayr.

THE PARLIAMENTARY BURGHs were created under the Reform Act of 1832, and received the right of sending members to Parliament, e.g. Dundee.

Broadly speaking, Royal and Parliamentary Burghs correspond to County Boroughs in England and Wales. They are independent of the County Council except where the population is less than 7,000, or where they do not maintain a separate police force.

THE POLICE BURGHs consist of towns of 700 inhabitants and upwards and are constituted under the Burgh (Scotland) Police Acts, 1892. Roughly, they are the equivalent of the Urban District and Non-County Borough Councils in England and Wales, e.g. Callander.

The Town Council is elected in accordance with the Town Councils (Scotland) Act, 1900, and consists of the provost, bailies, and councillors. The provost and bailies are elected in the usual way, and are afterwards appointed to their respective offices by the Council. Women may be elected.

• THE PROVOST is the equivalent of the mayor in England and Wales. He is elected by the whole of the council and holds office for three years. He is unpaid.

THE BAILIES are the equivalent of aldermen in England and Wales. They are elected by the whole of

the council, and retain office for the same period as originally elected. They are magistrates, and in towns of over 7,000 inhabitants they, along with the Provost, constitute the Licensing Bench.

THE COUNCILLORS are elected every November, as in the case of England and Wales, and hold office for three years, one-third retiring annually.

MEETINGS are held at various intervals, e.g. in the City of Glasgow they are held fortnightly, but were at one time held weekly. In other burghs the meetings are monthly.

COMMITTEES are appointed, the chairmen of which are termed Conveners, except only the Dean of Guild, whose Chairman is called the Chairman of the Dean of Guild Court. The Dean of Guild Court, by which the Building Acts are administered, is both a Committee of the Council and, in some burghs, an ancient Court of the Realm.

POWERS AND DUTIES. The powers and duties of the burghs relate to matters including public health, vaccination, housing, street cleansing and lighting, markets and slaughter houses, police, fire protection, baths and wash-houses, maintenance of roads, bridges, parks, gardens, public buildings, and the administration of the Acts relating to registration, weights and measures, and valuation.

## COUNTY COUNCILS.

County Councils were established by the Local Government (Scotland) Act, 1889, and replaced the Commissioners of Supply. County Councils are the equivalent of the County Councils in England and Wales, and are elected under the same system as the Town and Parish Councils. The number of County Councillors is fixed by the Secretary for Scotland. One member is elected for each electoral division, for each Police Burgh, and



also for each Royal Burgh having a population of less than 7,000. The chairman of the County Council is elected annually by and from the members, and is called the Convener of the County. The Council may delegate any of its powers, except that of raising money by rates or loans, to a Committee. Statutory Committees are the Finance Committee, the County Road Board, the Standing Joint Committee, and the District Committees. The County Road Board must not consist of more than 30 members. The Standing Joint Committee consists of not more than seven members of the County Council, who, with the Sheriff and not more than seven members elected by the Commissioners of Supply, form the police authority, and control the capital expenditure of the county. Each county, with the exception of those containing less than six parishes and those which prior to 1889 had not been divided into districts, must be divided by the County Council into districts for the management and maintenance of highways and for the administration of the laws relating to public health, as explained below.

#### DISTRICT COMMITTEES.

District Committees are peculiar to Scotland. Each district must comprise a group of electoral divisions and each parish, as far as it lies within the county, must be wholly included in one district. They are composed of the county councillors for the electoral divisions comprised in the district and one representative from each Parish Council, and are the counterpart of the English Rural District Council. The chief function of the District Committees is the administration of Roads, Public Health, Water, and Lighting Acts. They have no control over Royal Burghs or Police Burghs. District Committees are financially under the control of

the County Council and have to report their proceedings periodically to the County Council, who may lay down general regulations for their government.

### EDUCATION AUTHORITIES.

Education Authorities were created by the Education (Scotland) Act, 1918. Education Authorities administer elementary and secondary education. There is one for each of the burghs of Edinburgh, Glasgow, Aberdeen, Dundee, and Leith, and one for each county including every burgh situated therein not being one of the scheduled burghs. They are elected triennially on the single transferable vote system of proportional representation, for electoral divisions, the boundaries of which are determined by the Secretary for Scotland. The powers and duties of the Education Authorities include other functions besides those performed by the former School Boards. They have power to facilitate attendance at secondary schools and other institutions, and have duties relating to the provision of food, clothing, bursaries, travelling expenses and fees, and the provision of books for general reading not only for children and young persons attending schools or continuation classes, but also for the adult population resident in the county. Every Education Authority may supply or aid the supply of nursery schools and make arrangements for attending to the health, nourishment, and physical welfare of children attending nursery schools. The Education Authority may contribute to the maintenance of certain schools and institutions, and also in respect of resident and non-resident pupils attending schools. The duty of every parent includes the provision of efficient education for his children until the age of 15 years, and exemption from attendance at school may not be granted to any child

who has not attained the age of 13. Every Education Authority is required to submit a scheme or schemes for the part-time instruction, in continuation classes, of all young persons within the area of the Authority.

School Management Committees are appointed for the management of schools or groups of schools under a scheme prepared by the Education Authorities with the approval of the Education Department. These Committees include representatives from the County Council, Town Council, and Parish Council, Parents and Teachers. They are subordinate to the Education Authorities.

#### PARISH COUNCILS.

The Local Government (Scotland) Act, 1894, swept away the Parochial Boards established in 1845 and created Parish Councils of from 5 to 35 members. The number is determined by the County Council. Election takes place every third year on the same day, and in the same place and manner as the County or Town Council Election. One-quarter of the whole number of the Council—not being less than three—forms a quorum. Parish Councils, which are the equivalent of the Boards of Guardians in England and Wales, administer the Poor Law in urban areas. The Parish Councils are elected in the same way as are the County and Town Councillors. A meeting of the Parish Council must be held within 10 days after the first Tuesday in December, when the Chairman, and also the representatives on the District Committees, must be appointed for the ensuing year. The Chairman has a deliberative as well as a casting vote at all meetings. A Council may delegate to Committees any of their functions, except that of raising money. An Inspector of Poor must be appointed by them, and they may appoint a Clerk, who may hold

both offices. In Scotland, an able-bodied man in health has no legal right to relief, but fundamentally the English and Scottish Poor Laws are the same, as a man who is destitute will not long remain able-bodied. Each Parish Council is the assessory authority for parochial rates. In the larger areas, such as Glasgow, Edinburgh, and Govan, they are responsible for the well-being of lunatics, etc., as explained below.

### THE DISTRICT BOARDS OF CONTROL.

Scotland is divided by the Central Lunacy Authority into lunacy districts, in each of which a District Lunacy Board is appointed. In the case of large areas, such as Glasgow, Edinburgh, and Govan, the district is sometimes a single parish, and the Parish Council then becomes the District Lunacy Board. In the smaller areas and rural districts there is a combination of districts in the county area for this purpose. The Board is elected annually by the County Council comprising the lunacy district, and by the magistrates of Royal or Parliamentary Burghs within such districts.

The Act of 1913 provides that one-third (as nearly as may be) of the total number of members allotted to each District Board of Control must be elected annually by the Chairmen of the Parish Councils of parishes within the district. That Board is required to include two women, who may be co-opted. The Boards are responsible for the well-being of all lunatics, as also for all insane, and feeble-minded persons within their district.

**Officers.** Generally speaking, the various local authorities in Scotland are administered by officers with the same designation and the same qualifications, powers, and duties as in England and Wales.

**Central Control.** The central control is in the hands of the Secretary for Scotland, the Scottish Board of

Health, and the Scottish Education Department, as described in Chapter II.

## FINANCE.

**Local Authorities' Accounts and Audits.** The system of accountancy in operation in Scotland differs from the English method. There is greater central control and more minute prescription of procedure. On the other hand, there is one outstanding instance of greater freedom in the case of the Common Good of Scottish Burghs as described below. The Government control is not in respect of the method of book-keeping itself, but, in the case of all local authorities, detailed Financial Statements are prescribed, and the system of accountancy must lend itself to the compilation of the annual statements. All such Statements are made up to Whitsun Day (15th May). A notable feature is the "receipts and payments" basis. Accounts kept on this basis do not lead to a proper Balance Sheet, although a "Statement of Assets and Liabilities" is required. The respective Government Departments have laid down rules for the valuation of assets.

In the case of parishes, distinction is required between heritable and movable property (roughly real and personal property). The Valuation Roll shows only the annual value of heritable property, but not its capital value.

For BURGHS a more detailed analysis has been required in addition to that of heritable and movable property, viz.—

- (1) Unrealizable (e.g. Sewers) at cost, less provision for repayment thereof by annual instalments.
- (2) Medium (e.g. Public Buildings) at cost, less depreciation.
- (3) Saleable (e.g. Stores) at market value.

Statements of Assets and Liabilities are also analysed among the various funds of the local authority. To lead up to the Financial Statements, separate accounts have to be kept of each assessment (as rates are called), and revenue and capital items distinguished in each account.

The accounts of all local authorities in Scotland are audited by persons appointed by the responsible Government Department, professional accountants being appointed. Auditors have no powers of disallowance and surcharge as possessed by District Auditors in England and Wales. The accounts of Education Committees are audited by the Accountant to the Scottish Education Department, who is a Government official paid out of Parliamentary funds. On the 1st January in each year the education accounts, made up to the preceding Whitsun Day, with the necessary vouchers, must be sent to the Accountant for audit. He has no power of surcharge, but reports to the Education Committee and makes an Annual Return to Parliament.

**PARISHES.** The accounts of Parish Councils differ according to the type of parish. In burghal parishes and the burghal portion of landward parishes, many of the functions of local government devolve upon the Town Councils, as in England and Wales, and the accounts of the Parish Councils in these cases are merely those of the Poor Law Authority, being confined to Poor Relief.

In landward parishes and the landward portion of composite parishes, in addition to the Poor Law Accounts, there are others relating to Allotments, Burial Grounds, Footpaths, Libraries and Recreation Grounds. The Landward Committee in a composite parish keeps separate accounts, levies its own assessments and raises loans independently of the Parish Council.

Parish Accounts follow the lines required by the Annual Abstract of the Scottish Board of Health. Three Funds must be kept distinct, viz.—

(1) A General Fund of services transferred from the defunct Parochial Boards.

(2) A Special Fund of services newly conferred by the Act of 1894.

(3) Mortification Accounts, being accounts relating to charitable bequests.

The Abstract requires the following particulars, viz.—

(1) Valuation of Parish showing each assessment district separately.

(2) Assessable Rental (rateable value) and assessment in the £.

(3) Collection Account for each assessment and apportionment between owners and occupiers.

(4) Current and Capital Accounts for each assessment.

(5) General Abstract of Receipts and Payments and indebtedness of Parish.

(6) Loan Statements.

(7) Mortification Accounts.

(8) General Balance Sheet.

(9) Library Committees' Account.

(10) Auditors' Report.

The Scottish Board of Health appoints the auditors and fixes their salaries according to a scale. The audit follows the lines prescribed for County Councils by the Secretary for Scotland.

With regard to the Library Committees' accounts, however, the provisions of the Public Libraries (Scotland) Act, 1920, directs that the Library Committees' accounts are to be audited as part of the accounts of the rating authority making the largest contribution to the expenses of the Library Committee.

Town Councils have had a model form of accounts

prescribed by the Secretary for Scotland under powers granted by the Town Councils (Scotland) Act, 1900. The five major towns (Edinburgh, Glasgow, Dundee, Aberdeen, Greenock) are regulated by Local Acts and therefore exempt from the general regulations.

A peculiarity of Scottish Burgh accounts is the "Common Good." The "Common Good" is peculiar to some of the Royal Burghs of Scotland. It consists of lands and gifts to the Burgh by the King when the Burgh obtained its Royal Charters. Those Burghs which retained their lands or a large portion of them have a considerable asset. Many sold or feued their lands and now have only the feu-duties. A "Common Good" is not a General Reserve. It is illegal to put the proceeds of any assessment to the "Common Good," but any lands or money *gifted* to the Burgh might form a Common Good. The income from assets belonging to the Common Good, consisting of rents of land and buildings, fishing rights, privilege rents, feu duties, church seats, Customs and other dues, are not so restricted, and may be devoted to any lawful purpose the Burgh Council deems fit. Expenditure which could not legally be defrayed out of rates may thus be met, and loans may be raised upon security of the Common Good without the restrictions which otherwise apply. The amount to be raised by rates is the estimated deficiency of the fund concerned. The estimate and the expenditure are restricted to purposes permitted by law. The remedies of auditors and others to prevent illegal payments have been already described. Any surplus from one rate must be included in the next estimate.

In the case of *Kemp versus Glasgow*, 1920, however, the pursuer, who was an elector, objected to the payment, out of the Common Good, of election expenses



of candidates favouring city extension, and the House of Lords decided that such payments, being against public policy, were illegal.

The Common Good accounts are kept separately, and to meet the standardized form must be divided into—

- (1) Revenue Account.
- (2) Loans Accounts on security of Common Good.
- (3) Sinking Fund Account.
- (4) Balance Sheet.

In the case of English Boroughs the rate collection accounts are merged into the General District Fund or Borough Fund, but the assessment accounts of Scottish Burghs are not merged into the Common Good, but both are kept quite distinct. For each assessment raised there must be kept separate Revenue and Loans Accounts and Balance Sheets.

The principal assessment is the Burgh General, which includes Police, Cleansing, Lighting, Fire Prevention, Markets, Baths, Weights and Measures, and other expenditures.

Other assessments (all separately accounted) are—Burgh Sewerage, Diseases of Animals, General Improvement, Housing, Parks, Public Health, Registration, Roads, Sheriff Court Houses, Valuation of Lands.

General charges have to be apportioned over all accounts which are kept separately. The separation of accounts does not necessitate separate sets of books, the object being attained by Tabulated Cash Books and Ledgers. The accounts of trading undertakings present no peculiar features.

Burgh accounts must be made up to 15th May, and submitted to the auditor appointed by the Secretary for Scotland as soon as possible after that date. There are no provisions as to deposit for public inspection prior

to audit, but after audit, ratepayers and electors may inspect at all reasonable times free of charge, and are entitled to purchase copies of the abstract at a price fixed according to scale by the Secretary for Scotland. The powers and duties of the auditor are not defined. There is no power of disallowance or surcharge either by the auditor or by the Secretary for Scotland. The audited accounts with the Auditor's Report must be laid before the Council not later than September. An abstract of the accounts, as approved, is then printed and open for public purchase and a copy sent to the Secretary for Scotland. Any ratepayer or elector who is dissatisfied with any item in the accounts may complain to the Sheriff within three months after the accounts have been submitted to the Town Council, and the Sheriff must hear and determine the matter of complaint (Sec. 96 Town Councils (Scotland) Act, 1900).

County Councils make up their accounts to 15th May. The Secretary for Scotland has prescribed a form of abstract of accounts on a receipts and payments basis. Separate accounts must be kept of each assessment, and many of these must be so recorded as to show receipts and payments for each District Committee as described below. Revenue and Capital items must also be distinguished. The abstract may be compiled by merely keeping Cash Accounts carefully analysed over the various districts and allocated between the different funds. Ledgers are, however, necessary for the purpose.

The accounts are audited by an auditor appointed by the Secretary for Scotland whose approval is required to the salary paid him by the County Council. There is no qualification except a "fit person," but professional accountants are usually appointed. The auditor fixes the date of audit and notifies the County Clerk, who publishes fourteen days' notice in a local newspaper. The

accounts must be deposited for public inspection, and ratepayers may object and attend the audit to support objections by giving two days' notice to the auditor or county official concerned. The auditor has powers similar to those of district auditors as to production of books and documents, attendance of officers and declarations of correctness, but he has no power of surcharge or disallowance. He must make an interim report to the Secretary for Scotland on any irregularities, together with his views thereon. The Secretary for Scotland notifies the persons concerned and after inquiry decides disallowances and surcharges. Certified sums must be paid within fourteen days or the auditor must take proceedings to enforce payment. Within fourteen days of the completion of audit, the auditor reports to the Secretary for Scotland and sends duplicate abstracts to the Secretary and County Clerk. The County Clerk must publish a summary of the abstract in the prescribed form in a local newspaper.

In County administration there is a system of devolution of powers and duties upon Statutory Committees acting independently of the Council, viz., Local District Committees, Special District Committees, County Road Boards, Distress Committees and Standing Joint Committees. A distinctive feature of the last named, which is the judicial and police executive authority, is the necessity for its written sanction for all loans and capital expenditure of the County Council.

The County District Committees precept the County Council for their funds and have no rating or borrowing powers, but they keep their own accounts, which are controlled and audited in the same manner as the County accounts.

## CHAPTER XXX

### IRELAND

THE local government of Ireland has been very much influenced by Imperial administration. Much of the legislation affecting local government has been the result of policies which have developed in the Imperial Cabinet rather than the result of a demand from either the local authorities or the electorate. This is well illustrated in the case of the land legislation, which has had a decided influence upon the legislation relating to housing, agriculture, and education. The machinery of local government is very similar to that of England and Wales, but is, in some respects, in advance of those countries, as the following paragraph will serve to show.

#### **THE LOCAL GOVERNMENT (IRELAND) ACT, 1919.**

This Act has made considerable alterations in the law relating to local government in Ireland. It is provided that at a contested election of members of a local authority, for any electoral area constituted under the Act, any election of the full number of members for the area must be according to the principle of proportional representation, each elector having one transferable vote as defined in the Act.

**Electoral Areas** are established by order of the Ministry of Health so as to constitute—

(a) In every county: county electoral areas for the election of county councillors.

(b) In every rural district: district electoral areas for the election of rural district councillors. (There are

no Parish Councils or Parish Meetings, as in England and Wales.)

(a) In every borough: borough electoral areas for the election of aldermen and councillors.

(d) In every urban district, not being a borough: district electoral areas for the election of urban district councillors.

(e) In so much of every union as is situated (i) in an urban district: Poor Law electoral areas for the election of Guardians, and (ii) in every town: town electoral areas for the election of town commissioners

The number of members to be elected for each electoral area is such as may be assigned thereto by order of the Ministry of Health.

All the aldermen and councillors of any borough, and all the councillors for any other urban district, and all the commissioners for any town, went out of office in 1920, and their places were filled by newly-elected aldermen, councillors, and commissioners.

In every urban district, which is not a borough, and also in every town, the councillors and commissioners are all elected triennially.

In every borough the term of office of an alderman is three years, and the aldermen and councillors are all elected together triennially and must retire together.

At any election of the full number of aldermen and councillors for any borough electoral area, the number of candidates to be elected is the aggregate of the number of aldermen and number of councillors assigned to the area. Where a poll is taken the first and every other candidate successively declared elected is declared to be alderman or aldermen until the number of aldermen is completed. The remaining candidates declared to be elected are the councillors for the area. The franchise is similar to that for the election of members to the

House of Commons, with the addition that Peers are also eligible for election on local government authorities. Clergy cannot be elected to any body. Women, since 1911, are not disqualified by sex or marriage from being councillors or aldermen.

### THE MINISTRY OF HEALTH ACT, 1919.

This Act conferred the title of Minister of Health for Ireland upon the Chief Secretary. His duties and powers in that capacity are virtually identical with those of the Minister of Health for England and Wales. It is his duty as such Minister to secure the preparation, effective carrying out, and co-ordination of measures conducive to health. For the purpose of giving advice and assistance and making proposals, a Council is established called the Irish Public Health Council, consisting of—

The Vice-President and the two other Commissioners of the Local Government Board for Ireland; the Chairman and such two others of the Irish Insurance Commissioners as may be nominated by the Chief Secretary; the Registrar-General of Births, Deaths, and Marriages in Ireland; a registered medical practitioner, who acts as Chairman, and three other registered medical practitioners, one of whom must be a woman and one of whom must be a medical practitioner who is registered in respect of a diploma in sanitary science, public health, or State medicine; six other persons having practical experience of matters relating to, or incidental to, or affecting the health of the people.

Formerly, most of the work in connection with public health had fallen within the spheres of the Local Government Board, the Insurance Commissioner, and the Registrar-General. The new Council will co-ordinate this and the Chief Secretary will have complete control of all activities.

**THE HOUSING (IRELAND) ACT, 1919.**

This Act proposes to deal with Ireland's urban problems. Ireland's housing problem differs from that of England in several respects. In Ireland the question of rural housing has been of primary importance, while England has had to deal with a problem mainly urban in character. Ireland's rural problem is virtually solved, but her towns and cities, however, are still in urgent need of attention. Rural problems were dealt with in 1883, and by the Act of 1890, which is the foundation of all Irish housing schemes. The Clancy Act of 1908 created a fund for housing purposes; the Bryce Act of 1906 provided £4,250,000 for houses on land purchase terms, and this sum was increased by the Birrell Acts of 1911 and 1914. The Housing (Ireland) Act, 1919, is based on Part III of the Act of 1890, which provides for the acquisition of land for sites, and, by virtue of the financial facilities which it offers, may go a long way towards the improvement of the housing condition of Irish towns. The problem, broadly, is to meet the shortage of houses which has arisen to a great extent since the war, and to replace those old houses which have been condemned as unfit for human habitation. Under the 1919 Act, local authorities are to submit housing schemes for the approval of the Local Government Board. Pending the completion and letting of the houses, loans may be obtained either from the Loans Fund or, where practicable, in the open market. When the scheme is carried into effect, and the houses let, the Exchequer will give a subsidy of 25s.—or, in exceptional cases, 27s. 6d.—for every 20s. paid by the tenants. Thus the tenants will be required to pay only four-ninths of the economic rent of their houses. Subsidies will be paid, however, only if the schemes are completed within three years; but allowances are made for possible

extension. The local authorities must comply with certain specifications, and any evidence of mismanagement may result in a loss of the subsidy.

## EDUCATION.

ELEMENTARY EDUCATION is in the hands of a Board of National Education which was established in 1831. It consists of twenty gentlemen selected for denominational and political reasons—half Catholic and half Protestant.

SECONDARY EDUCATION is controlled by the Board of Intermediate Education, which was established in 1878 by the Intermediate Education (Ireland) Act.

TECHNICAL EDUCATION was introduced by the Agriculture and Technical Instruction Act of 1899. Previous to 1899 there were, in a few isolated centres, classes in science and art held in connection with the Science and Art Department and administered from South Kensington. They were for the most part managed by voluntary committees. No system of technical education existed, and the "residue grant," which had, for a decade previously, been devoted to technical education in England, had been allocated to other purposes in Ireland. The Act of 1899 provided for the establishment of a Committee known as the Committee of Agriculture or of Technical Instruction (or a Joint Committee for both purposes) in the counties, and as the Technical Instruction Committee in the towns. The function of the Committee was to prepare, in conjunction with the Department, schemes for the furtherance of the purposes of the Act, and to these Committees is entrusted also the local administration of the schemes. Power was given to local authorities to raise a rate of 1d. in the £ for technical instruction in addition to the power to raise a rate of 1d. under the Technical Instruction Act, 1889.



In all cases, local aid is necessary before a scheme may be approved. Provision was also made for the transfer to the Department, by Order in Council, of the Royal College of Science, the Metropolitan School of Art, and other institutions which had previously been administered by other bodies. There are schemes of co-operation with the Board of Intermediate Education and the Board of National Education. For the latter Board they undertake the training of national school teachers in rural science and school gardening by means of summer courses, and also to inspect national schools in these subjects.

### THE DEPARTMENT OF AGRICULTURE.

The Department of Agriculture and Technical Instruction for Ireland owes its establishment to the report of what has become known as the "Recess Committee," which consisted of a number of Irishmen representative of all shades of political and religious opinion, and leaders of the agricultural, industrial, commercial, and professional classes. It assembled during the Parliamentary recess of 1896 and chose as its Chairman Mr. (now Sir) Horace Plunkett. The recommendations of the Committee received the hearty approval of all shades of Irish public opinion, and in 1899 the Chief Secretary, Mr. Gerald Balfour, introduced and carried through Parliament a Bill embodying the main features of the Committee's recommendations. The Act establishing the Department provided for a Vice-President or Minister of the Department, with direct ministerial responsibility, a permanent head, and a consultation Council. The Department is advised by a series of bodies, mainly elective and built out of the system of Local Government. Thus, there is a Council of Agriculture, numbering 104 members, of which 68, or

two-thirds, are elected by the County Councils, and 34 are nominated by the Department, with two *ex-officio* members.

This Council has two functions: (1) Advisory, (2) Elective, in the sense that it forms the nucleus from which two further bodies—the Boards through which the Department works—are constituted. These are (a) the Agricultural Board, which consists of twelve members, two-thirds of whom—two for each province—are elected by the Council, the remaining four being nominated by the Department, and (b) the Board of Technical Instruction. This latter body is mainly concerned with technical education as related to industries other than agriculture, and is composed of four members elected by the Council of Agriculture, eleven members elected by the principal Municipal Councils of the country, one member appointed by the Commissioners of National Education, one by the Intermediate Education Board, and four nominated by the Department—a total of 21. The Vice-President is an *ex-officio* Chairman of both Boards. The Members of the Council and of the two Boards are unpaid, and receive only the usual travelling and subsistence allowances when engaged upon their official duties.

BOARDS OF GUARDIANS administer the Poor Law and a Free Service of Medical Treatment, which is available for paupers and non-paupers.

COUNTY COUNCILS, in addition to their other duties, levy the Poor Rate on the ratepayers. The Poor Rate meets all the expenses of Local Government.

CENTRAL CONTROL is in the hands of the Chief Secretary to the Lord-Lieutenant of Ireland. He is assisted by Boards (referred to above) with headquarters in Dublin.

## CHAPTER XXXI

### SOCIAL SERVICE

THE Social Service movement of modern times is not confined to any one class, nor is it the monopoly of the few, neither is it the preserve of a particular section of people. It has arisen out of a deep discontent with the incidents of the social organism, and among its leaders have been the greatest minds of our times. It is not a movement concerned alone with the material, with housing, drains, gas, water, clinics and welfare centres, etc., but is the expression of the desire for social justice, for freedom and beauty, and for the better apportionment of all the things that make up a good life. Social Service is not a particular set of activities so much as an attitude of mind to all human actions. It is the demand that their existence, as members of society, and as members of a particular part of that society, makes on all men and women. It is essentially the duty of citizenship not only to the city and the State, but to the world. Charity in its highest human form is the expression of the love for one's fellows and is at the root of all vital social work. Society is far more self-conscious than it was in the past, and the social conscience is at work among men and women of all classes. The Settlement movement was an early expression of this, and the increased searchings of heart in the Churches as to the relationship between the principles of Christianity and business, and the difficulty of reconciling the two, are becoming more and more evident. The demand of the social reformer to-day is for a new attitude to social problems rather

than for specific reform in any particular department of life. As has been seen, during the nineteenth century a great advance was made in the science of preventive medicine. Instead of being concerned almost entirely with healing disease after it had arisen, medical science turned to the improvement of the environment, and the prevention of disease. So also in the realm of social reform, the effort is now being directed chiefly towards the removal of the cause of the evil rather than the healing of the disease.

The ideal of life should be to make service rather than success the first aim. Service entails sacrifice. Many of our citizens are willing to give of their best, and the following brief summary is intended to direct them to the attainment of their object. The rise of democracy has changed the outlook of the social worker: formerly social work was done for the working classes, now it is being done in co-operation with them.

### ORGANIZATION OF SOCIAL WORK.

The National Council on Social Service, formed in July, 1915, has for its object the development and co-ordination of Social Service. The Secretary is Captain L. F. Ellis, D.S.O., M.C., Stapley House, Bloomsbury Square, London, W.C.1. The intention is to organize voluntary social work throughout the country so as to secure complete co-ordination, and with that object to form—

Local Representative Councils coinciding generally with Local Government areas, to co-ordinate voluntary and official social work, to promote such new efforts as may seem advisable, and to promote the training of social workers as recommended by the Joint University Committee on Social Service.

A Board of Education Juvenile Organizations

Committee has been established to assist work among juveniles by Local Representative Committees. The Organizing Secretary is Mr. C. E. Clift, Board of Education, Whitehall, London, S.W.1.

Social Service forms an attractive form of citizenship, for in it we particularly emphasize the position of men and women as citizens. The extension of Local and Central Government into many new spheres of activity, particularly public health and education, and the increased efficiency of municipal administration in general, has narrowed some spheres of unorganized voluntary effort and co-ordinated others, thus forming a framework within which voluntary action may operate. Increased education among the general public, and a better appreciation of the causes of distress, have reduced indiscriminate alms-giving and turned the attention of the charitable to the results of their actions. Besides the organization of voluntary social work by various societies, there has grown up during the past half century a municipal system that touches a large part of the field of social service. It may be said that the local governing authorities are to-day the principal instruments for the organization of social work. As the local authority has now become the chief agency for the organization of social work, the voluntary worker is continually being brought into contact with its various activities, even where he is not actually working in close co-operation.

In compiling the following list of positions which give opportunities for social service in the sphere of Local Government, it has been presumed that the worker does not desire to seek the suffrages of the electors.

The reader is directed to the preceding chapters for any details which may be required in respect to the subject in which he is particularly interested.

**Parish Council.** The Chairman may be elected from outside the membership of the Council, as stated in Chapter IV.

**District Council.** The Chairman of the Rural or Urban District Council may be elected from outside the Council, as described in Chapter V.

The Justice of the Peace is appointed by the Crown, and the office is one which affords ample opportunity for social service, as indicated in Chapter VII.

The Overseers of the Poor are appointed by Parish Council or Meeting, or Justices of the Peace, or the Urban and Borough Council, and the office affords considerable opportunities for service, as shown in Chapter IX.

In the administration of Public Health, the membership of Maternity and Child Welfare Committee is open to others besides councillors (at least two of whom must be women), as explained in Chapter XI.

With regard to Housing, a demand for an Improvement or Reconstruction Scheme may be made by six ratepayers. A report on any house may be made by four or more householders as a result of which the local authority must require a report from the Medical Officer of Health. Membership of the Housing Committee is now open to other persons besides councillors, as described in Chapter XIII.

In dealing with Town Planning Schemes, anyone may make representation for a scheme in accordance with the procedures described in Chapter XIV.

The Adoptive Acts afford opportunity for initiative either by individuals or by an association of individuals. Thus, with regard to the Baths and Wash-houses Acts, and Public Libraries Acts, ten electors may requisition the local authority to take action, while in connection with the Small Holdings and Allotments Rate, any

six Parliamentary electors or ratepayers may make representations, as described in Chapter XV.

During the war many public-spirited citizens acted as **Special Constables**, and such may be appointed in emergencies at any time, as shown in Chapter XVII.

The **Education Committee** includes about one-third persons who are co-opted by the Council, while Managers and Correspondents of Elementary Schools are also appointed from the general body of citizens. The Choice of Employment Act provides for the co-optation of membership of Advisory and After-Care Committees, as described in Chapter XVIII.

The **Children Act, 1908**, provides for Voluntary Infant Life Protection Visitors and for Visitors to institutions for reception of poor children and young persons, and for the appointment of Managers of Reformatory and Industrial and Truant Schools. Probation officers for juvenile offenders may also be voluntary, as described in Chapter XIX.

In the case of **Mental Deficiency**, membership of the Committee for the Care of the Mentally Defective is open to non-councillors, as shown in Chapter XX.

The administration of the Poor Law is under the **Board of Guardians**, who may co-opt the chairman, deputy-chairman, and two members from outside the Board, as described in Chapter XXI.

The **Unemployed Workmen Act, 1905**, provides membership of the Distress Committee from outside the membership of the local Council, as described in Chapter XXII.

The **Old Age Pensions Act** enables membership of Local Pension Committee to be available to others besides councillors, as shown in Chapter XXIII.

While the **Employment Exchanges** are administered by officials of the Ministry of Labour, the work of the

officials is assisted by various Committees. Thus, membership of Local Employment Committees, Juvenile Employment Committees, and After-Care Committees is open to men and women who are interested in social questions, as described in Chapter XXIV.

The work of the Trade Boards is rather outside the scope of local authorities. It affords, however, opportunities for both employers and workpeople who are interested in the improvement of their trade to undertake service upon the various Committees of the Trade Board, as shown in Chapter XXV.

The majority of the members of National Health Insurance Committees are elected from outside the appointing Council, as explained in Chapter XXVI.

The Unemployment Insurance Acts provide for Local Employment Committees and Juvenile Employment Committees as well as for panels of membership of the Court of Referees, as described in Chapter XXVIII.

The work of the War Charities Committee and the Local Pensions Committee is described in the following pages.

In addition to all the above, there are many other opportunities for Personal Service. In particular there are spheres of activity in addition to those mentioned above whereby the citizens may render service as members of Guild of Help, Council of Voluntary Aid, Personal Service Committee, etc.

## WAR CHARITIES AND PENSIONS

### THE WAR CHARITIES ACT, 1916.

This Act was the immediate outcome of a Special Committee appointed in April, 1916, by the Home Secretary, "to consider representations which have been made in regard to the promotion and management



of charitable funds for objects connected with the war, and to advise whether any measures should be taken to secure better control or supervision of such funds in the public interest."

The Act provides that it is not lawful to make any appeal to the public for donations or subscriptions to any war charity unless the charity is registered under this Act.

**The Registration Authority—**

(a) In the City of London, is the Mayor, Aldermen, and Commons of the City of London assembled in Common Council ;

(b) In a municipal borough or urban district, is the Council of the borough or district ;

(c) Elsewhere, it is the County Council ;  
and any such Council may act through a Committee, which may comprise persons (including women) who are not members of the Council.

Charities registered under the Act must be administered by a Committee or other body of not less than three persons ; keep proper books of accounts, audited at such intervals as may be prescribed ; keep a separate account at such bank or banks as may be specified ; furnish either to the Registration Authority or the Charity Commissioners such particulars as may be required, and keep books of accounts open to inspection.

The Charity Commissioners may make regulations respecting the above matters.

The Blind Persons Act, 1920, extends compulsory registration to all charities for the blind.

**NAVAL AND MILITARY WAR PENSIONS, ETC.,  
ACTS.**

The Naval and Military War Pensions, Etc., Act, 1915, has been amended by the Naval and Military War

Pensions, Etc., Act, 1916 ; the Naval and Military War Pensions, Etc. (Transfer of Powers) Act, 1917 ; and the Naval and Military War Pensions, Etc. (Administrative Expenses), Act, 1917.

The **Central Administration** was transferred to the Ministry of Pensions as from 15th February, 1917, in accordance with the Ministry of Pensions Act, 1916.

The **Objects** of the Acts are for purposes relating to pensions and grants and allowances made in respect of the war to officers and men, their wives, widows, children, and other dependents, and the care of officers and men disabled.

**Local War Pensions Committees** have been established for every county and county borough, and for every borough or urban district having a population of not less than 50,000, the Council of which so desires ; and may be established for any other borough or urban district for which the Central Authority (on the application of the Council thereof) considers it desirable ; and for any borough or urban district having a population of less than 50,000 and not less than 20,000, the Council of which so desires.

The **Constitution of Local War Pensions Committees** is provided for under a scheme framed by the local Council and approved by the Central Authority. Every such scheme must provide for the appointment of at least a majority of the Local Committee by the local Council, but the members so appointed need not be members of the Council ; for the appointment of a chairman by the Local Committee and from amongst its number, and for the inclusion of women and representatives of labour among the members of the Local Committee.

The **Functions of Local War Pensions Committees** include the administration of pensions, treatment of pensioners either at home or in hospital (the question of

place depends upon the opinion of the Medical Referee), the granting of gratuities to which the man is entitled but which have not been forwarded, the provision of grants for different purposes, assisting pensioners in cases of appeals against assessments, assisting applicants for alternative pensions.

The War Pensions (Administrative Provisions) Act, 1919, makes further provision for the administration of War Pensions and Grants. In particular, the Act provides for the administration of pensions, etc., under injuries, in the War (Compensation) Acts; the power to obtain further information from employers; the extension of power to pay persons in advance; further provision with regard to audit; provision in case of transference of powers as to training, etc.; the statutory right to pensions; and the establishment of a Pension Appeal Tribunal.

The War Pensions Act, 1921, has made a considerable reduction in the number of Local War Pensions Committees, and remodelled them. The Ministry has taken over the local offices and staffs and the officials have become State servants under the Ministry. Certain alterations have been made relative to the fixing of permanent pensions. An independent appeal tribunal is to be appointed, to which every discharged man will have the right to appeal.

## CHAPTER XXXII

### SUGGESTIONS TO MEMBERS OF LOCAL AUTHORITIES

WHEN first elected, a member of any Local Authority should make it his business to get to know the Standing Orders governing the procedure. There should be Standing Orders for all local authorities, and their adoption does much to improve the work of the authorities.

He should attend the Committee Meetings regularly, for it is here that the principal business of the Local Authority is transacted. Close attention to this will often save unnecessary speeches and questions in Council. He should try to secure appointment upon Committees with whose work he is competent to advise to the best advantage. If he wants to get a vote through Committee or Council he should say as little as possible, but say that little well and to the point. When a councillor has a new proposition to bring forward, he should consult the official at the head of the department concerned and obtain his views as to the competency or legality of the matter proposed to be brought forward. Councillors will then find the officials will be able to put them on the right lines for stating their propositions and will guard them against errors in procedure, etc.

### FINANCE COMMITTEE.

A Finance Committee should be appointed for all local authorities. The members should include the Chairman and (if the Committee is not too large) one other member of each Committee, together with the Chairman of the Council and the Chairman of any

party represented on the Council. All financial matters should stand referred to the Finance Committee before coming before the Council, and the Finance Committee should submit their observations upon such proposals. The Chairman of such Committee should be a councillor well versed in finance, elected irrespective of party.

### **ESTIMATES.**

Estimates should be prepared for either six months or twelve months. Statements of the income and expenditure (or receipts and payments) against such estimates should be submitted periodically (e.g. quarterly) based upon the balanced books of accounts. The estimates should be so arranged that there is sufficient sums in hand to carry on until the new rate begins to be paid to the Overseers. Overdrafts and borrowing from loans authorized for other purposes should be avoided.

### **BANK ACCOUNTS.**

Separate Bank Accounts should be kept for each class of undertaking, e.g. Allotments or Adoptive Acts, in the case of a Parish Council; Housing or Private Street Works in the case of a District Council. Standing Orders should provide that all the bank pass books, together with the treasurer's or accountant's reconciliation statements of all accounts, should be laid on the table at all meetings of the Council or Finance Committee.

### **CONTROL OF ACCOUNTS AND FINANCE.**

The same official should not be responsible for receiving and accounting for money, or for certifying and paying accounts. Even in the smallest authorities this can invariably be avoided. For example, in the Chief Financial Officer's Department the receipts should be

entered up by a different official from the one who actually receives the money over the counter. With regard to expenditure, the ledger clerks, time-keepers, and store-keepers should not be under the control of the engineer or surveyor who is directing the carrying out of the work. In like manner, the wages should not be paid by the timekeeper but by an official of the Treasurer's or Accountant's Department, from records prepared by another official and certified by the principal official in charge of the work.

### STOCK ACCOUNTS.

Stock Accounts should be kept of all materials. It is often forgotten that stocks of materials constitute a very important part of the assets of local authorities. A store-keeper will, in many cases, save the amount of his salary by economy in control of stores. He should be responsible to the Chief Financial Officer and not to the official who uses the material, e.g. the engineer or surveyor. In the case of materials delivered by contractors direct to work in progress, a depot should be created under a store-keeper, who, upon the completion of the work, should arrange for the delivery of the surplus material to the nearest store-yard or the next depot.

### WORKS DEPARTMENTS.

Works Departments may be developed to great advantage, especially in large and growing districts. The character of these departments will depend upon the state of development of the local area and the amount of its trading activities. Generally speaking, every authority should remove its own refuse, provide its own sewage disposal works and water undertakings. The maintenance of a works department for the repair

of carriageways and footways, while usually more expensive than by private contract, has much to commend it. A system of Return Sheets of work done will constitute a rough but very efficient method of controlling the administration of a works department. Costing accounts should be in operation in all large authorities.

## OFFICIALS.

The best officials are those with a liberal education, administrative experience, and a good civic spirit. While policy is a matter for the Council and administration for the officials, it is desirable to give careful consideration to the advice of experienced officials. The shortcomings of chief officials should be as readily checked as those of a subordinate. An inefficient head can do far more damage than an inefficient subordinate. Officials should not show a preference for any political party.

Officials should be encouraged to make themselves more efficient by studying for and passing the various professional examinations. An addition to the salary for such qualification will prove a great incentive to the study. At the present time there are available the examinations of the Institute of Municipal Treasurers and Accountants for finance officers; the Association of Rate Collectors and Assistant Overseers for those who are engaged in that branch of the profession; the Poor Law Examinations Board for officials in the Public Assistance Service. For the general official, there are also the examinations of the National Association of Local Government Officers, and, in a limited degree, those of the Chartered Institute of Secretaries. There are, in addition, diploma courses of the London School of Economics, and the Schools of Social Study attached to the Universities.

Appointments by open competition, especially among members of the junior staffs, should be developed. This will prevent much "log rolling," and tend to efficiency in administration. Admission to the service might be made to depend upon the holding of the certificate of one or other of the institutions previously referred to. Permanency of appointment should be made upon efficiency of service rather than seniority.

### GENERAL.

A councillor should make himself familiar with all new legislation affecting local authorities. He should call for a report upon all new Acts of Parliament which either directly or indirectly affect his Authority. This will result in the staff becoming familiar with such legislation as well as with himself. A good reference library for the use of councillors and officials is a sound investment for the ratepayers.

He should specialize in one direction, besides keeping in touch with the general work of the Local Authority. For example, it would be advantageous to the community as well as the Authority if, being interested in social administration, he confined himself to Education, Child Welfare, etc. He should find out what his Authority has done in the particular work, and avail himself of the assistance of the officials concerned.

It is advisable for a member to report at frequent and regular intervals to the electors, and familiarize them with the work of the Local Authority. Where possible, parties should be taken over the undertakings. These are the property of the electors, and the more they see of them the more they will appreciate his services. It is far wiser to do this than to invite other persons less interested.

A councillor should cultivate friendly relations with

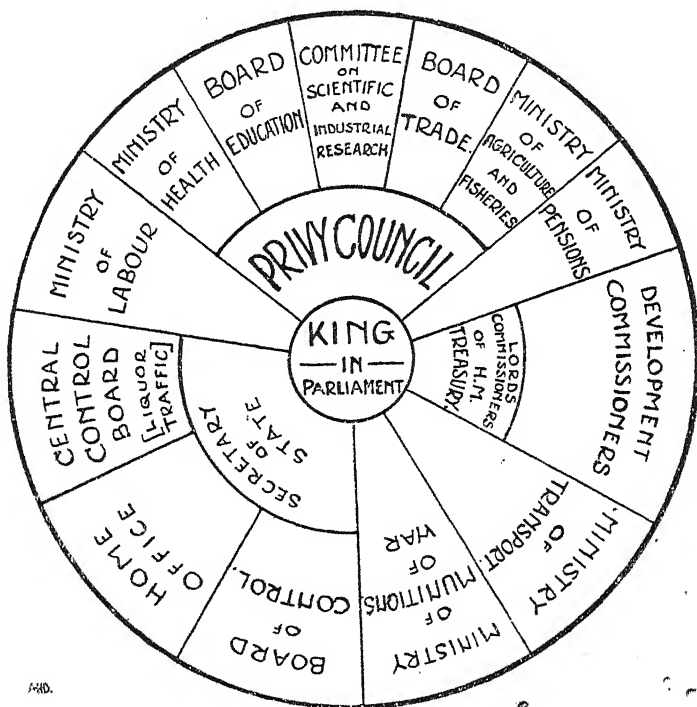


members subscribing to opposite schools of political thought. He can do this without minimizing his differences in politics. It is frequently found that there is full agreement in local affairs, and besides adding to the sociability of life it will be possible to learn much from political opponents.

The discharge of Local Government duties makes very heavy calls upon the time of members of local authorities. Many members remain active but silent servants of the community. To those who may consider that their duties are unrecognized there remains the satisfaction that they have contributed by their service to the uplifting of the community and in so doing have improved within their area the standard of Citizenship.

# APPENDICES

## I. CENTRAL DEPARTMENTS OF THE STATE DEALING WITH LOCAL GOVERNMENT IN ENGLAND AND WALES

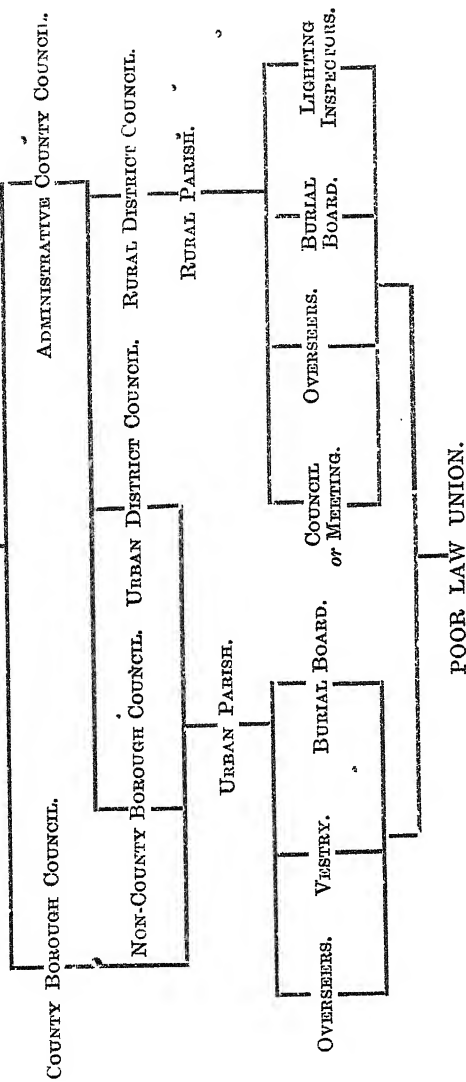


NOTE.—Since the above chart was prepared the Ministry of Munitions of War has been abolished, and the Board of Control created by the Mental Deficiency Act, 1913, has been transferred from the Secretary of State to the Ministry of Health.

In attempting a visual representation of this kind some suggestion of false proportion is inevitable, and it is well to warn the reader that the space allotted to different Departments must not be taken to indicate their relative importance.

## II. TERRITORIAL DIVISION OF ENGLISH LOCAL GOVERNMENT AREAS

### GEOGRAPHICAL COUNTIES.



NOTE: Each Local Authority, with the exception of the County Borough and County Council, administers, broadly speaking, a Unit forming a component part of another Authority.

Thus: The Administrative County contains the Areas of Non-County Boroughs, Urban Districts, and Rural Districts; The Non-County Borough and Urban District contain the Areas of one or more Urban Parishes; The Urban Parish possesses Overseers, and may have a Vestry and a Burial Board; The Rural District contains the Area of one or more Rural Parishes; The Rural Parish possesses a Parish Council or a Parish Meeting and Overseers, and may possess a Burial Board and Lighting Inspectors; The Urban and Rural Parishes are combined into the Poor Law Union.

### III. LOCAL GOVERNMENT IN ENGLAND AND WALES. FUNCTIONS, CONTROL, ADMINISTRATION AND FINANCE.

FUNCTION.	CENTRAL CONTROLLING AUTHORITY.	LOCAL ADMINISTRATIVE AUTHORITY.	FINANCE.	REMARKS.
Public Health Highways, Streets, and Bridges Housing Town Planning	Ministry of Health Ministry of Transport Ministry of Health	County, County Borough, Borough, and District Councils	Rates : No Statutory Limitation  Loans : Two years' Assess- able Value	County Council may delegate functions to Rural District Council  Rural District Council may delegate functions to Parish Council
Public Undertakings	Board of Trade Ministry of Health Ministry of Transport	County, County Borough, Borough, and District Councils	Limitation of Charges in certain cases	Special restrictions as to Adoption of Acts
Adoptive Acts	Ministry of Health	C.C., C.B.C., B.C., also Urban District and Parish Councils, Burial Boards, Lighting Inspectors	Rates : Statutory Limitations	Electors may make representations
Small Holdings and Allotments	Ministry of Agriculture and Fisheries	C.C., C.B.C., B.C., U.D.C., and P.C.	Rates : No Statutory Limitations	C.C. must appoint Small Holdings Sub-Com- mittee. Any Six Electors or Ratepayers may make Representations
Public Protection	Home Office	County Councils, also Borough Councils 10,000 Population	One-half net cost of police returned from Exchequer Contribution Account on satisfactory Report	Parish Councils may appoint Parish Con- stabiles. Application to Home Office
Education— (1) Higher (2) Elementary	Board of Education. Ministry of Health for Audit	(1) C.C. & C.B. Councils (2) C.C. & C.B. Councils, also B.C. 10,000 Pop., U.D.C., 20,000 Pop.	(1) Rates : No Limit for C.C. or C.B.C. Exchequer Contribution Grants (2) Rates : No Statutory Limit. Gov. Grants	(1) Non-C.B.C. & U.D.C. may aid or supply; limited to 1d. rate (2) P.C. & U.D.C., or B.C. may be Minor Educa- tion Authority

FUNCTION.	CENTRAL CONTROLLING AUTHORITY.	LOCAL ADMINISTRATIVE AUTHORITY.	FINANCE.	REMARKS.
Moral Improvement	Ministry of Health	Pt. I; Board of Guardians (generally) Pt. IV; Elementary Education Authority and C.C. and C.B.C. Pt. V & VI; Police (generally)	Rate and part of Poor Rate.  Exchequer Contribution Grants	Social Welfare Work. Infant Life Protection  Visitors may be Voluntary.
Children Act	Home Office		Rates: Part of Poor Rate Exchequer Contribution Grants	Visiting or Asylums Committee
Mental Deficiency, Lunatics	Board of Control (Ministry of Health)	{ County and County Borough Councils	Poor Rate: No Statutory Limitation Exchequer Contribution Grants in certain cases	Board of Guardians is an <i>ad hoc</i> Authority
Public Assistance	Ministry of Health	Boards of Guardians		
Unemployed Workmen	Ministry of Health	{ C.C. & C.B.C., also B.C. or U.D.C. 50,000 Pop.	{ Rates: Id. in the £ Treasury Grants	{ B.C. or U.D.C. over 10,000 With consent of M. of H. Also Third Persons Act
Old Age Pensions	Ministry of Health	{ C.C., C.B.C.; also B.C. or U.D.C. 20,000 Pop.		
Employment Exchanges	Ministry of Labour	Local Employment Com.	{ Treasury Contributions	Also Juvenile Employment and After-care Committees.
Trade Boards	Ministry of Labour	District Trade Committees		
Health Insurance	Ministry of Health	{ C.C. and C.B.C.; B.C. 10,000 Pop.; U.D.C., 20,000 Pop.	Provided by Parliament	Representatives on Insurance Committees only Courts of Referees appointed locally C.C. and C.B.C.
Unemployment Insurance	Ministry of Labour	Local Employment Com.		
War Pensions	Ministry of Pensions	Local War Pensions Com.	Provided by Parliament	

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A valuable and comprehensive exposition of the subject. Deals with general principles of legislation and methods and instruments of government. Includes a chapter on local and sectional government.

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25s. per vol. £8 15s. net.

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Four lectures delivered at Harvard University, leading to the conclusion that each case of municipal ownership must be judged on its merits.

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Records the judgments of experienced teachers and others on "the various means by which schools may bear a part in . . . quickening and defining moral ideals, and of strengthening their influence upon individual conduct and upon national life."

THOMAS, A. A. *The Education Act*, 1918.

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A Handbook for the use of Administrators, Members of Local Education Authorities, School Managers, and others interested in Education.

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Methuen, 5s. net.

Is a sketch of the origin and growth of the Play Centre Movement and contains a Preface by the late Mrs. Humphrey Ward.

#### CHILDREN ACT.

BRAY, R. A. *Boy Labour and Apprenticeship.*

Constable (1914). 5s. net.

An excellent work by a well-known social worker and member of the London County Council.

FREEMAN, ARNOLD. *Boy Labour and Life : the Manufacture of Inefficiency.*

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GREENWOOD, ARTHUR. *Juvenile Labour Exchanges and After Care.*

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JONES & BELLOT. *Law of Children and Young Persons.*

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SAMUELSON, JAS. *The Children of our Slums.*

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Deals with slum children, and the various agencies for their feeding, clothing, and reclamation, with special reference to Liverpool. Bibliography.

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ROWNTREE, B. S. (Ed.). *Betting and Gambling: A National Evil.*

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CLARKE, J. J. *Social Administration, including the Poor Laws.*

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DRAGE, GEOFFREY. *The State and the Poor.*

Collins (1914). 1s. net.

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# INDEX

- ABERDEEN, 310, 316  
 Accommodation for landworkers, 261  
 Accounts, 65, 76-77, 85-87, 102, 103, 105, 113, 118-123, 128, 129, 164, 178, 187, 209, 242, 244, 247, 254, 262, 284, 286, 297, 301, 313-319, 333, 337-339, 349-350  
 —, Bibliography, 349-350  
 —, Borough, 85-87, 129  
 —, Burgh, 313-318  
 —, Burial, 178  
 —, Charities, 333  
 —, Common good, 316-319  
 —, County, 102-103, 318-319  
 —, District, 76-77  
 —, Education, 209  
 —, Electricity, 187  
 —, Housing, 164  
 —, Inspection, 77, 85-86, 103  
 —, Landward parishes, 314  
 —, Libraries (Scotland), 315  
 —, London County Council, 297  
 —, Lunacy Acts, 242  
 —, Mental Deficiency Act, 244, 247  
 —, Metropolitan Borough Councils, 301  
 —, National Health Insurance, 284, 286  
 —, Overseer's, 105, 113  
 —, Parish, 65, 314-315  
 —, Poor Law, 254  
 —, Scotland, 313-319  
 —, Stock, 128, 338  
 —, Unemployed Workmen Act, 262  
 Acts of Parliament (*if not indexed, see subject*)  
 Actuated Sludge Process, 138  
 Adoptive Acts, 172-178  
 Adult Education, 229-230, 310  
 Advisory Committees (Employment), 270  
 After-Care Committees, 270  
 Agnew, Frederick, 232  
 Agricultural Advisory Committee, 33-34  
 — and Technical Instruction Act, 324-325  
 — education, 25, 33-34  
 — Rates grant, 117  
 — Wages Board, 275-277  
 Agriculture, 25, 31-34, 50, 99-100, 117, 275-277, 324-326  
 —, Council of, 33-34  
 Air Force (*see Army*)  
 Aldermen, 57-58, 81-83, 97-98, 295, 298-299, 301, 321  
 —, Borough, 57-58, 81-83  
 —, County, 57-58, 97-98  
 —, Ireland, 321  
 —, London City, 301  
 —, London County, 295  
 —, Metropolitan Borough, 298-299 (*see also Bailies*)  
 Aliens, 36, 251  
 Allotments, 33-34, 64, 72, 73, 99, 100, 175-176  
 Allowances, War, 333-335 (*see also Pensions*)  
 America, 138-139, 239  
 Anatomy, 37  
 Animals, 32, 33-34, 36, 84, 99, 100, 296, 299, 308  
 Appeals, disallowance or surcharge, 133  
 —, Pensions, 335  
 —, Poor Rate, 112  
 —, Valuation, 109-110, 335  
 Approved Societies, National Health Insurance, 283-284  
 —, Unemployed Insurance, 291, 292  
 Architects Dept., Board of Education, 26  
 Ardern and Lockett, 138  
 Areas, Local Government, 343  
 Army and Home Office, 35  
 — Franchise, 55-56, 58  
 — Insurance, 282, 292  
 — Pensions, 8, 19, 38-42, 85, 99

- Arnold, Matthew, 202  
 —, Thomas, 201  
 Art, Schools of, 25  
 Artificial limbs, etc., 42  
 Assessable value, definition, 108  
 Assessment (Rates) (Scotland) (*see*  
 Rates)  
 — (Valuation), 66, 71, 76, 86,  
 100, 102, 105-110, 251, 300,  
 312, 335  
 —, appeal, 109-110, 335  
 Assistance, Public, 3, 5, 6, 18,  
 244-245, 248-257, 304, 311-  
 312, 326, 356-357; *see also*  
 Distress Committees  
 Assizes, 36  
 Asylums, 100, 241-247, 253, 296,  
 297, 302, 304 (*see also* Hospitals  
 and Infirmarys)  
 Attaché service, 28  
 Attwood and Jones, 138  
 Audit, 12, 19, 65, 77, 81, 87, 102,  
 105, 113, 123-134, 164, 187,  
 209, 242, 244, 247, 250, 254,  
 262, 284, 286, 297, 301, 313-  
 319, 333, 335, 337-338, 349-350  
 —, Bibliography, 349-350  
 —, Borough, 87, 125-129  
 —, Burgh, 313-314, 315-318  
 —, Charities, 333  
 —, Common Good, 316  
 —, County, 102, 126-127, 318-  
 319  
 —, District, 77, 81, 127  
 —, Education, 209  
 —, Electricity, 187  
 —, Housing, 164  
 —, Internal, 128  
 —, Libraries (Scotland), 315  
 —, London, 128, 297, 301  
 —, Lunacy Acts, 242  
 —, Mental Deficiency Act, 244,  
 247  
 —, Metropolitan Borough  
 Council, 301  
 —, National Health Insurance,  
 284, 286  
 —, Overseers, 105, 113  
 —, Parish, 65, 127, 314-315  
 —, Poor Law, 130-131, 250,  
 254  
 —, Scotland, 134, 313-319  
 —, Unemployed Workmen Act,  
 262  
 —, War Pensions, 335
- Auditor, District, 129-130  
 —, Elective, 82, 129
- BABYLON, 165  
 Bailies, 307-308 (*see also* Alder-  
 men)  
 Bakehouses, London, 299  
 Balfour, Gerald, 325  
 Ballot Act, 1871, 203  
 Bank accounts, 337  
 Bankruptcy, 30, 251  
 Banks, Municipal Savings, 189  
 Baptisms, Registration of, 67  
 Bath, 166  
 Baths, 64, 174, 184, 300, 308  
 Begging: juveniles, 233  
 Bell, Andrew, 200-201  
 —, Hannah, 200  
 Beneficial occupation, 112  
 Benefits, National Health Insur-  
 ance, 282-283  
 —, Unemployed Insurance,  
 288-293  
 Bentham, Jeremy, 135  
 Bibliography, 346-358  
 Bills, Parliamentary, 86  
 Birkbeck, George, 219  
 Birmingham, 112, 189, 203, 239  
 Births, Registration, 20, 49, 145,  
 251-2  
 Blind persons, 145, 204, 220-222,  
 268  
*Board of Trade Journal*, 30-31  
 Board Schools, definition, 205-206  
 (*see also* Education)  
 Boards (Central Departments of  
 State, etc.) (*see under* name of  
 subject, e.g. Education)  
 Books (Scottish Education), 310  
 (*see also* Libraries)  
 Bonds, Housing, 162  
 Boroughs, 5, 7-9, 78-90 (*see also*  
 Burghs, Town, Tun)  
 Boundaries, Borough, 80-81  
 —, District, 70  
 Bridges, 42-43, 45, 99, 100, 153,  
 295-296, 302, 308  
 Bristol, 88  
 British and Foreign Schools  
 Society, 201  
 Brothels, 233  
 Brougham, Lord, 201  
 Budget, 21  
 Buildings (*see* Town Planning and  
 Housing)

- Burgesses, 81-82  
 Burghs, 307-308, 813-314 (*see also* Boroughs)  
 Burh, 78  
 Burial, 6, 7, 8, 64, 66, 67, 139-140, 143, 173, 176-178, 246, 253, 299  
   — ground, definition, 177  
 Bursaries, 209, 225, 310  
 Business premises, definition (Franchise), 53  
 By-laws, 13, 36, 72, 81, 84, 140-141, 160, 210  
   —, definition, 140-141
- CAMBRIDGESHIRE, 97  
 Camps, 215  
 Canal boats, 143, 299  
 Canals, 42-43, 46-47  
 Capital punishment, juveniles, 230  
 Case Paper System (Poor Law), 256  
 Casual wards, 253  
 Cattle weighing, 32  
 Cemetery, definition, 177 (*see also* Burial)  
 Census of Production Office, 29  
   — of population, 20  
 Central authorities, 2, 4, 10-13, 17-51, 326, 342, 344-347 (*see also* under names of subjects of departments, etc.)  
   — (Unemployed) Body, 259-261, 295, 305  
 Certificated teachers, 225  
 Certified school, definition, 235 (*see also* Education)  
 Chadwick, Sir Edwin, 135-136  
 Chairman, County Council, 92, 98, 309  
   —, District Council, 70, 92  
   —, London County Council, 295  
   —, Parish Council, 63, 311  
   —, Parish meeting, 62 (*see also* Lord Mayor, Mayor, Provost)  
 Chamberlain, Joseph, 203  
 Chancellor of the Duchy of Lancaster, 193  
 Chancellor of the Exchequer, 21-22  
 Channel Islands, 35  
 Chapels, Burial, 178  
 Charity, 38, 64, 332-333 (*see also* Assistance, Public)  
 Charles II, *King*, 166  
 Charters of incorporation, 78-81  
 Chelsea Hospital, 39, 40  
 Child, definition, 231 (*see* Juveniles)  
 Children Act, 1908, 231-240  
 Church of England, 66-67, 198-200  
   — rates, 66  
   — schools, 198-200  
 Churchwardens, 66, 67, 248  
 Churchyards, 67 (*see also* Burial Grounds)  
 City and Guilds of London Institute, 220  
 Civil List, 22  
   — parish, 61  
 Cleansing of Persons Act, 144  
 Clergy, 5, 66-67, 82, 97, 178, 299, 322  
 Clift, C. E., 329  
 Coal mines, 31, 37, 219  
 Cockerton, T. B., 204  
 Collings, Jesse, 203  
 Colonies Secretary for, 34  
 Commerce and Industry, Dept. of, 28-29  
 Commercial education, definition 26  
 Commissioners, Ireland, 321  
 Committees, 8, 14, 71, 84, 98, 100, 308-310, 336  
   —, Borough, 84, 308  
   —, County, 98, 100, 309  
   —, District, 71, 309, 310  
   —, Scotland, 308-310 (for specific committees, *see under* subject name, e.g. Assessment)  
 Common (Land), 72  
 "Common Good," 316-317  
 Common law, 3  
   — Poor Fund, 297  
 Commoners (Court of Common Council), 301  
 Commutation of sentence, 36  
 Companies department, 30  
 Compensation, burial fees, 178  
   —, housing, land, etc., 158, 163-164, 169  
 Competitive value, 108-109  
 Compulsory acquisition, land, 45, 64, 158-160, 163-164, 175, 216  
   — school attendance, 203, 204, 212, 214, 222-223, 236-237, 310-311

- Conciliation Committees (Agriculture), 277  
 Confirmation of proceedings, 14  
 Conscience clause, Education, 204, 208  
 Consecration (Burial), 178  
 Constables, 35, 99, 190-197 (*see also* Police)  
 Consular service, 28  
 Continuation schools, 212-213, 311  
 Contractor's Rent, 108  
 Contributions, National Health Insurance, 281-282  
 —, Unemployment Insurance, 288, 291  
 Convener, County, 309  
 Conveyance, pupils and teachers, 221  
 Convicts' children, 234, 236-237  
 Co-option, 8, 14  
 Corn Production Acts Repeal Act, 275-277  
 Coroners, 35, 88, 101, 296, 302  
 Corporation, definition, 81  
 Cost accounts, 128, 339  
 Councils (*see under* subject names, e.g. Borough)  
 Councillors, 32, 56-58, 63, 69-71, 81-83, 97-98, 295, 298-299, 301, 307-311, 320-322, 325-326  
 —, Borough, 32, 81-83, 307-308, 320-322  
 —, County, 97-98, 308-309, 320-322  
 —, District, 69-71, 320-322  
 —, Ireland, 320-322, 325-326  
 —, London City, 301  
 —, London County, 295  
 —, Metropolitan Borough, 298-299  
 —, Parish, 63, 311  
 —, Scotland, 307-311  
 County, 90, 96-103 (*see also* Shire)  
 —, Administrative, definition, 97  
 —, Borough, 89-90 (*see also* Parliamentary Burgh, Royal Burgh)  
 —, Bridges, 153  
 —, Council, 6-9, 61, 97-103, 308-309, 326  
 —, Fund, 101  
 —, Roads, 148  
 County, Town, 90  
 Court, County, 5  
 —, Hundred, 78  
 —, Juvenile, 238-239  
 —, Leet, 60  
 —, Manorial, 60  
 —, of Aldermen, 301  
 —, of Civil Jurisdiction, 88  
 —, of Common Council, 301-302  
 —, of Common Hall, 301-303  
 —, of Passage, Liverpool, 88  
 —, of Quarter Sessions, 88  
 —, Tolzey, Bristol, 88  
 Craig, James, 166  
 Cremation, 178  
 Criminals, 36, 234-240, 244, 251  
 Cruelty, 214, 232-234, 244  
 Cumulative vote, 57  
 Customs and Excise Duty Grant, 116-117  
  
 DAIRIES, 145, 299  
 Dale, R. W., 203  
 Dancing, 172  
 Day Industrial Schools, 237  
 Dead bodies, disposal of, 6, 7, 8, 64, 66, 139-140, 143, 173, 176-178, 246, 253, 299  
 Deaf children, 220-222  
 Dean of Guild Court, 308  
 Death sentence, juveniles, 238  
 Deaths, registration, 20, 49, 251-252  
 —, requiring inquest, 101  
 Debt, National, 22  
 Deficiency, 37, 51, 220-222, 241-247, 256, 312-313, 355  
 Delinquency, 36, 234-240, 244, 251  
 Designs, 29  
 Destitution, 100, 105, 221, 244-245, 248-257, 355-358  
 —, definition, 252 (*see also* Poor Law)  
 Detention, juvenile, 238-240  
 Development commission, 24  
 Dibun, 138  
 Disablement, 40-42, 282-283  
 Disallowance, audit, 132-133  
 Diseases, 139-40, 162-163, 299, (*see also* Animals, Health)  
 District, 7-9, 64-65, 68-77, 141-142, 148-149  
 —, audit, 129-130

- District Committees (Scotland), 309-310 (*see also* Rural District)
- Lunacy Boards (Scotland), 312-313
- roads, 148-149
- Trade Committees, 274
- Wages Committees, 277
- Distress Committees, 259-261 (*see also* Assistance, Public)
- Divorce interventions, 23
- Docks, 43, 47
- Drains and sewers, 33, 137-139, 176, 295, 299, 338
- , definition, 137
- Drink and drunkards, 36, 38, 84, 88, 100, 234-237, 240, 244, 297
- Drying grounds, 174
- Duckworth, Melling and, 138
- Dundee, 310, 316
- Dupré, 138
- EASTER vestry, 67
- Ecclesiastical parish, 59-61, 66-67
- , definition, 59-60
- , rate, 66, 67
- Edinburgh, 168, 310, 316
- Education, 6, 8, 24-27, 33-34, 38, 50, 62, 64, 71, 72, 81, 84, 89, 98, 100, 198-230, 234-238, 296, 306, 310-311, 324-326, 353-354
- accounts and audit, 209
- , Adult, 229-230
- , Agricultural, 25, 33-34
- , Authorities, 8, 24-27, 50, 62, 64, 71, 72, 81, 84, 89, 98, 100, 204, 205-207, 214, 220, 237, 296, 310-311, 324-325
- , bibliography, 353-354
- , Board of, 24-27
- , buildings, 210
- , bursaries, 209
- , camps, 215
- , Commercial, definition, 26
- , Committees, 206
- , compulsory attendance, 203-204, 212, 214, 222-223, 236-237, 310-311
- , conscience clause, 204, 208
- , Continuation Schools, 26, 212-213, 311
- , defectives, 220-222
- , Elementary, definition, 26, 206-207
- , employers, 223-224
- Education, employment, 211, 214, 215, 223-224
- , endowments, 38, 218-219
- , fees, 203, 217, 310
- , finance, 201, 209, 216-220, 238
- , grants, 201-208, 217-218
- , Higher, definition, 26
- , holiday camps, 215
- , Industrial Schools, 37, 100, 234-238, 297
- , Ireland, 324-326
- , Land, 216, 218-219, 220
- , lectures, 230
- , loans, 209
- , lodgings, 215, 220
- , London, 296, 302
- , maintenance aids, 215, 230, 310
- , meals, 210, 215, 230
- , medical attendance, 209, 212, 215
- , officers, 214-216, 224-228, 230
- , parents, 222-223
- , rates, 201-208, 216-218, 220
- , recreation, 209, 229
- , reformatory schools, 100, 234-238
- , research, 215
- , religious instruction, 204, 208
- , scholarships, 209, 215, 230
- , Scotland, 50, 306, 310-311
- , Secondary, definition, 26
- , taxes, 204
- , teachers, 214-216, 224-228, 230
- , technical, 26, 219-220
- , trusts, 218-219
- , University, 26, 229-230
- , Wales, 213-214
- Elections, 20, 37, 57-58, 6, 82-83, 97-98, 100, 250-251, 295, 298-299, 301-302, 310, 311 (*see also* Franchise, Representation)
- , Borough Council, 82-83
- , County Council, 97-98
- , District Council, 69
- , Ireland, 321
- , London, City Corporation, 301-302
- , County Council, 295

- Elections, London, Metropolitan Borough Council, 298-299  
 —, Parish Council, 63  
 —, Parliamentary, 57, 100  
 —, Scotland, 308, 310-311 (for other elections, *see under* subject, name of council, etc.)  
 Elective auditors, 82  
 Electors (*see* Franchise)  
 Electricity, 42, 45, 185-187  
 Elementary education, definition, 26  
 — school, definition, 206-207  
 Ellis, L. F., 328  
 Ely, Isle of, 97  
 Emigration of unemployed, 259, 260  
 Employment, 200, 211, 214, 215, 223-224, 231, 232-233, 253, 258-262, 269-277, 296  
 — Exchanges, 269-271  
 — —, definition, 270  
 Endowments, Education, 38, 218-219  
 Epileptic children, 220-222  
 Epping Forest, 302  
 Estate, Municipal Corporate, 84  
 Estimates, 337  
 Ethelbert, *King*, 59  
 Examinations, Local Government administration, 339-340  
 Excepted persons (National Health Insurance), 279-281  
 Excepted persons (Unemployment Insurance), 287  
 Exchequer Contribution Account, 23, 35, 195  
 — Grants Audit Committee, 134  
 Exempt persons (National Health Insurance), 280-281, 283  
 — persons (Unemployment Insurance), 287  
 Exemptions, Rates, 113  
 Explosives, 37  
 Export Credits Dept., 31  
 Extra-parochial township, 60  
 Extradition of criminals, 36  
  
**Factories**, 37, 144, 200  
 Farm colonies, 261  
 Feeble-minded (*see* Deficiency)  
 Fees, Education, 203, 217, 310  
 Ferries, 43, 45, 189, 295  
 Feudal system, 60  
  
 Finance, 14-15, 57, 71, 87, 115-134, 157, 170, 189, 192-195, 201-209, 216-220, 238, 242, 244, 246-247, 254, 260, 262, 268, 271, 281-282, 288, 291-293, 297, 300-301, 303, 305, 309-310, 313-319, 336-337, 344-345  
 —, Borough, 86-87  
 —, County, 98, 100, 101-102  
 —, District, 309-310  
 —, Education, 201-209, 216-220, 238  
 —, Employment Exchanges, 271  
 —, Highways, etc., 155  
 —, London City, 303  
 —, London County, 297  
 —, Lunacy Acts, 242  
 —, Mental Deficiency Act, 244, 246-247  
 —, Metropolitan Borough, 300-301  
 —, Municipal Trading, 189  
 —, National Health Insurance, 281-282  
 —, Old Age Pensions, 268  
 —, Police, 192-195  
 —, Poor Law, 254  
 —, Public Health, 155, 170  
 —, Reformatory and Industrial schools, 238  
 —, Returning officers, 57  
 —, Scotland, 313-319  
 —, Thames Conservancy Board, 305  
 —, Town planning, 170  
 —, Unemployed Workmen Act, 260, 262  
 —, Unemployment Insurance, 288, 291-293 (*see also* Rates Committee, 336-337)  
 Fire protection, 64, 101, 174, 233, 295, 308  
 First Lord of the Treasury, 21-22  
 Fisher, H. A. L., 211  
 Fisheries, 31-34, 50  
 Flats, 162  
 Flax Control Board, 28  
 Food and Drugs, 31, 33, 84, 139, 143, 144, 145, 210, 215, 220, 299, 310  
 Footpaths, 152-153, 174 (*see also* Highways)  
 Foreign Secretary, 34



Foreshores, 29  
 Forster, 203  
 Fosse Way, 147  
 Fowler, G. J., 138  
 Franchise, 52-58, 105, 261-262,  
 300 (*see also* Elections, Repre-  
 sentation)  
 —, Local Government, Men,  
 54-56  
 — — —, Women, 55-56,  
 58  
 —, Parliamentary, Men, 52-53,  
 55-56, 58  
 — — —, Women, 53-54, 55-56,  
 58  
 —, Registration, 105, 300  
 Freeman, 90  
 — (Saxon), 5  
 Fruit pickers, 143  
 Funerals (*see* Burial)

GAOLS and prisons, 37, 238-240  
 Garden cities, 161, 162  
 Gas, 187-189, 296  
 General District Rate, 86  
 Geological survey, 25  
 Gilbert's Act, 249  
 Glasgow, Education, 219, 235,  
 310, 316  
 Glebes, 67  
 Gloucester, 200  
 Goschen, *Visct.*, 116  
 Grants and gratuities, 40, 45, 115-  
 118 (*see also* Specific objects and  
 subjects, e.g. (1) Education;  
 (2) Teachers)  
 Greece, 165-166  
 Greenock, 316  
 Greenwich Hospital, 39  
 Gross estimated rental, definition,  
 106  
 Grossman, J., 137-138  
 Guardians, 5, 7, 9, 66, 69-71, 82,  
 104, 249, 250-252, 257, 326  
 Guides for defectives, 221  
 Guilds, 78  
 Guthrie, *Dr.*, 235  
 Gymnasia, 173-174

## HARBOURS, 43

Hay, James, 200  
 Health, 6, 8, 18-20, 49-50, 64, 68,  
 72, 84, 98, 100, 135-146, 166,  
 172-173, 183-184, 263-268,  
 278-282, 295, 302, 308, 309, 350

24A—(1898)

Health Insurance, 8, 256, 278-286  
 Henderson, Arthur, 37-39  
 Heritors, 306  
 High Constable, 190  
 — roads, 148  
 — Wycombe, 200  
 Higher Education, definition, 26  
 Highly rated area grant, 218  
 Highway districts and parishes,  
 148  
 Highways, 6, 42-45, 62, 64, 68,  
 72, 147-155, 174-175  
 —, definition, 147 (*see also*  
 Town Planning)  
 Hippodamus, 165  
 Hire of land, compulsory, 64  
 Hogg, Quintin, 220  
 Holiday camps, 215  
 Holland, Lincs., 97  
 Home assistance (Poor Law), 253  
 — Office, 34-38, 231  
 — Secretary, 34-38, 47, 192-  
 193  
 — — —, Ireland, 51  
 Homes (Poor Law), 253  
 Honorary Freeman, 90  
 Horseflesh, 144  
 Hospitals and infirmaries, 8, 139-  
 140, 253, 304 (*see also* Asylums)  
 Housing, 12, 13, 64, 72, 98, 139,  
 156-164, 166, 210, 296, 299,  
 308, 323-324, 350-351  
 — Bonds, 162  
 — committees, 157  
 — compensation, 163-164  
 — grants, 163  
 —, Ireland, 323-324  
 — loans, 161-163  
 —, London, 296, 299  
 — rates, 163  
 —, Scotland, 308  
 Hundred, 5, 59, 68, 78  
 — Court, 78

Idiots (*see* Deficiency)  
 Imprisonment, juveniles, 238-240  
 Improvement in value, land, 45,  
 46  
*In cumulo* valuation, 108-109  
 Income and expenditure accounts,  
 definition, 119  
 Incorporation, 73, 78-81, 89-90  
 India, Secretary for, 34  
 Industrial Schools, 37, 100, 234-  
 238, 297

- Industrial Schools, definition, 236  
     — training ships, 237  
 Inebriacy (*see* Drink and Drunkards)  
 Infants (*see* Juveniles)  
 Infectious diseases, 139-140, 299 (*see also* Health)  
 Inland Revenue documents, 38  
     — waterways, 42-47  
 Inquests, 101  
 Insanity (*see* Deficiency)  
 Inspection, institutions, 234  
     —, Ministry of Health, 19  
     — of records, 65, 77, 85-86, 103, 254, 317-319, 333  
     — police, 12, 193  
 Insurance, National Health, 8, 19-20, 49, 51, 100, 256, 278-286, 357  
     —, Unemployment, 256, 269, 278, 287-293, 357  
 Intestate's estates, 23  
 Intoxicating drink, 36, 38, 84, 88, 100, 234, 237, 240, 244, 297  
 Ireland, 13, 51, 65, 77, 103, 114, 164, 192, 254-255, 320-326  
 Isle of Man, 35  
 Italy, 166
- JEFFREYS, *Judge*, 79  
 Joint committees, 8, 14  
     — Stock Companies Registry Office, 30  
 Jones and Attwood, 138 \*  
 Junior Lords of the Treasury, 21-22  
 Jurors, 82, 105  
 Justices of the Peace, 5, 7, 35, 72, 81, 91-95, 103  
 Juvenile Organizations Committee, Board of Education, 328-329  
     — offenders, 238-239  
 Juveniles, 19, 36, 99, 144-145, 198-240, 251, 252, 253, 256, 270-271, 278, 288, 289, 296, 328, 329, 354-355  
     —, begging, 233, 237  
     —, brothels, 233  
     —, burning, risk of, 233  
     —, carnal knowledge, 233  
     —, courts, police, 238-239  
     —, cruelty to, 232-234  
     —, definitions, 231
- Juveniles, detention, places of, 238-240  
     —, education (*see* Education)  
     —, employment, 200, 231-233, 270-271, 296  
     —, industrial schools, etc., 234-238  
     —, infant life protection, 231-233, 296  
     —, intoxicating drink, 240  
     —, licensed premises, 240  
     —, old metal, 240  
     —, pawns, 240  
     —, police courts, 238-239  
     —, prostitution, 233, 237  
     —, reformatory schools, etc., 234-238  
     —, seduction, 233  
     —, smoking, 234  
     —, suffocation, 233  
     —, truant schools, 237  
     —, vagrants, 235-237, 240
- KAHUN, 165  
 Kesteven, 97  
 King, The, 1, 23, 35, 36, 80  
 King's Proctor, 23  
 Kirk Sessions, 306
- LABOUR Exchanges, 269-271  
     —, definition, 270  
     —, Ministry of, 269-275  
 Lancashire, 35, 103, 244  
 Lancaster, Joseph, 200  
 Land, 32-34, 45-46, 64, 70, 72, 99, 160-161, 163-164, 166, 167-168, 170, 174-176, 183, 216, 218-219, 220, 260-262, 323  
     —, Unemployed Workmen Act, 260-262  
 Landward parishes, 314  
 Lea Conservancy Board, 305  
 League of National Education, 203  
 Lectures, 230  
 Leet Court, 60  
 Leigh, *Lord*, 235  
 Leith, 310  
 Lester, Major, 235  
 Libraries, 173, 175, 300, 315 (*see also* Books)  
 Licensed premises, 240  
 Licenses, 38, 72, 154, 172  
     — Duty Grant, 116-117  
 Licensing section, 28  
 Lighthouses, 29

- Lighting, 173-174, 185-189, 300, 308, 309
- Limbs, artificial, 42
- Lincolnshire, 97
- Lindsey, 97
- Little Lever, 200
- Liverpool, 88, 112, 166, 184-185, 232-233, 240, 302, 303
- Loans, 8, 12, 13, 21, 23-24, 45, 62, 65, 76, 84, 86-87, 102, 141, 146, 161-163, 174, 175, 182, 187, 209, 242, 247, 254, 262, 271, 294, 297, 309, 311, 314, 316, 319, 323
- , baths, etc., 174
- , Borough, 84, 86-87
- , "Common Good," 316
- , County, 102, 309, 319
- , District, 76
- , Education, 209
- , Electricity, 187
- , Housing, 161-163, 323
- , Ireland, 323
- , libraries, 175
- , London, 297
- , Lunacy Acts, 242
- , Mental Deficiency Act, 244, 247
- , Municipal Trading, 182
- , Parish, 62, 65, 311, 314
- , Poor Law, 254
- , Public Health, 141, 146, 163
- , Scotland, 309, 311, 314, 316, 319
- , to workpeople, 271
- , Transport, 45
- , Unemployed Workmen Act, 262
- Local authorities, 7, 10, 344-345, 347-348
- , definition, 7, 10
- , Government, definition, etc., 1-16
- , and Central Govt., 10-14, 17-51, 342, 344-345, 346-347
- , areas, 343
- , Board, 18, 49
- , Franchise, Men, 54-56, 58
- , Women, 55-56, 58
- , parish definition, 61
- , Taxation Grants, 15, 115-118 (see also specific objects and subjects, e.g. (1) Education; (2) Teachers
- Lockett, W. T., 138
- Lodging (Education Acts), 215, 220
- , houses, common, 296
- London, 3, 47, 53, 97, 101, 104, 106, 110, 112, 128, 165, 166, 188, 189, 191, 201, 204, 207, 213, 219, 220, 240, 258-260, 294-305, 333
- , Central (Unemployed) Body 305
- , City Corporation, 294, 296, 301-303
- , County Council, 294-298
- , Lea Conservancy Board, 305
- , Liverymen, 303
- , Metropolitan Asylums Board, 297, 303-304
- , Borough Councils, 297-301
- , Water Board, 304-305
- , Overseers, 104
- , Unemployment, 258-260
- Lord Chancellor, 35
- , Lieutenant, County, 102-103
- , High Treasurer, 21, 22
- , Mayor, 83, 301-302, 303 (see also Chairman, Mayor, Provost)
- Lowe, Robert, *Lord Sherbrooke*, 202
- Lunacy and Mental Deficiency, 19, 31, 36, 37, 51, 100, 105, 220-222, 241-247, 256, 296, 297, 302, 312-313, 355
- , definitions, 241, 242-243, 244-245
- MACADAM, J. L., 147
- Magistrate, stipendiary, 35, 73, 81, 89, 94-95
- Magistrates' Clerk, 95
- Main roads, 148
- Maintenance aids (Education), 215, 230, 310
- Man, Isle of, 35
- Managers, School, 62, 207
- Manchester, 112, 138, 203, 219
- Manor, 60-61
- Margarine, 144
- Marine Department, 29-30
- , Society, 234

- Marines, 40-42  
 Markets, 182-183, 300, 302, 308  
 Marriage disqualification, 92  
     — registration, 20, 49, 67, 251-252  
 Maternity, 8, 19, 49, 51, 99, 144-145, 282-283, 296  
 Maurice, F. D., 219  
 Mayor, 81-83, 85, 92, 93, 298 (*see also* Chairman, Lord Mayor, Provost)  
 Meals, 210, 215, 220  
 Measures, 28-29, 84, 99, 100, 296, 308  
 Mechanics' Institutes, 219  
 Medical Service, 19-20, 25-26, 41, 49-50, 139-140, 209, 212, 215, 253, 256, 282-283, 326, 334  
 Melling and Duckworth, 138  
 Men, Franchise, 52-53, 54-56, 58  
 Mental Deficiency and Lunacy, 19, 31, 36, 37, 51, 100, 105, 220-222, 241-247, 256, 297, 302, 312-313, 355  
     — definitions, 241, 242-243, 244-245  
 Mercantile Marine, 30, 143  
 Mercy, King's, 36  
 Metropolitan Asylums Board, 297, 303-304  
     — Boroughs, 297, 301  
     — Water Board, 304-305  
     — Police, 36, 37, 191  
 Midwives, 19, 49, 51, 144, 296  
 Military and Home Office, 35  
     — Insurance, 282, 292  
     — pensions, 8, 19, 38-42, 85, 99, 333-335  
     — voter, 55-56, 58  
 Milk, 145  
 Mill, J. S., 272  
 Mineral Resources Development Dept., 28  
 Mines, 31, 37, 219  
 Ministers of Religion, 5, 66-67, 82, 97, 178, 299, 322  
 Ministries, Government (*see under* respective subjects)  
 Minority representation, 57-58  
 Mint, Master of the, 22  
 Minutes, etc., 64, 65, 77, 85-86, 88, 102, 103, 254, 301, 317-319, 333  
 Missions, 200  
 Moot, 59, 68  
 Mortuaries, 296, 299  
 Motor Tax Account, 23  
 Mumford, *Major*, 138  
 Municipal Borough, definition, 80  
     — Corporation, definition, 81 (*see* Borough)  
     — trading, 179-189, 352-353  
     —, definition, 179  
 Museums, 173  
 Music, 172  
 NATIONAL Assembly of the Church of England, 67  
     — Council on Social Service, 328  
     — Debt, 22  
     — Health Insurance, 8, 278-286  
     — Society for the Education of the Children of the Poor, 200-201  
 Naturalization, 36  
 Naval pensions, 8, 19, 38-42, 85, 99, 333-335  
     — voter, 55-56, 58  
 Navigation, 29, 42-43  
 Net annual value, definition, 108  
 Newcastle, *Duke of*, 202  
 Nonconformist schools, 200  
 Non-provided schools, 205-208  
 Northamptonshire, 97  
 Nugent, *Father*, 235  
 Northern Lights, Commissioners of, 51  
 Nuisances, 36, 299  
 Nursery Schools, 215, 310  
 Nurses, 145, 231-232 (*see also* Midwives)  
 Nursing for reward, 231-232  
 OCCUPATION road, 149  
 Offenders, 36, 234-240, 244  
 Offensive trades, 296  
 Officers, 4, 15, 57, 69, 74-75, 83, 85, 88, 100-103, 105, 146-148, 154, 191, 193-194, 210, 216, 224-228, 230, 251, 253-254, 262-264, 271, 275, 297, 300, 302-303, 311-312, 335, 339-340  
     —, Borough, 85  
     —, County, 101-102  
     —, District, 74-75  
     —, Education, 210, 216, 224-228, 230  
     —, Employment Exchange, 271

- Officers, Health, 146  
 —, Highways, etc., 147-148,  
 154  
 —, Judicial, 88, 100, 102-103  
 —, London, 297, 300, 302-303  
 —, Lunacy, 312  
 —, Parish, 64-65, 311-312  
 —, Pension, 263, 264, 335  
 —, Police, 191, 193-194  
 —, Poor Law, 251, 253-254  
 —, Poor Rate, 105  
 —, Returning, 57, 69, 83  
 —, Scotland, 311-312  
 —, Trade Boards, 275  
 —, Unemployment Workmen  
 Act, 262  
 —, War Pensions, 335  
 Old Age Pensions, 8, 18, 255, 263-  
 268, 357  
 — metal, 240  
 Oldham, 137-138  
 Open spaces, 173, 296, 300  
 Orders in Council, 17-18, 49  
 Ordinary roads, 148-149  
 Ordnance Survey, 33  
 Overseas Trade (Development and  
 Intelligence) Dept., 28  
 Overseers of the Poor, 7, 62, 63,  
 66, 94, 104-114, 248-249, 348-  
 349  
 Owens College, Manchester, 219  
  
 PALATINE counties, 91  
 Pardon, King's, 36  
 Parents, 209, 210, 222-223, 235-  
 239, 245, 310, 311  
 Parish, 6, 7, 9, 59-67, 175, 191,  
 194, 306, 309, 311-312, 314-315  
 —, definitions, Ecclesiastical,  
 59-60  
 — —, Local Government, 61  
 — —, Urban Civil, 61  
 — —, Rural Civil, 61  
 — constables, 191, 194  
 — Council, 7-9, 62-65, 306,  
 309, 311-312 (*see also* Guard-  
 ians)  
 —, Ecclesiastical, 59-60, 66-67  
 — Hall, 475  
 — meeting, 7-9, 61-62  
 Parks, 296, 308  
 Parkes, Dr., 138  
 Parliament, 3  
 Parliamentary Borough, defini-  
 tion, 79-80  
 Parliamentary Burgh, 307, 312  
 (*see also* County Borough)  
 — Franchise, Men, 52-53, 55-  
 56, 58  
 — —, Women, 53-54, 55-56,  
 58  
 Parmoor, Lord, 13, 57  
 Parochial Adoptive Acts, 172,  
 173-175  
 — Boards (Scotland), 306, 311  
 — Church Council, 67  
 — Church meeting, 67  
 Passage, Court of, 88  
 Patents, 29  
 Paupers, 100, 105, 221, 244, 245,  
 248-257, 355-358  
 Pawns, 240  
 Peace, Justices of the, 5, 7, 35,  
 72, 81, 91-95, 103  
 —, King's, 91-94  
 Peel, Robert, 191, 200  
 Peers, 97, 322  
 Penal servitude, juveniles, 236,  
 238  
 Pensions (Poor Law), 256  
 —, Old Age, 8, 98, 263-268  
 —, Police, 194-195  
 —, Teachers, 226-228  
 —, War, 8, 19, 38-42, 85, 99,  
 333-335  
 Pests, agricultural, 33  
 Peterborough, 97  
 Petitions to the King, 35, 80  
 — for Incorporation, 80  
 Petroleum and Explosives Act,  
 296  
 Petty Sessional Division, 92  
 Philanthropic Society, 234-235  
 Physical deficiency (*see* Defi-  
 ciency)  
 Piers, 43  
 Pilotage, 30  
 Piraeus, 165  
 Play centres and grounds, 64, 173,  
 174, 209, 229  
 Police, 7, 8, 35-36, 99-100, 190-  
 197, 232, 238-239, 296, 302,  
 307-309, 352-353  
 Police-aided Clothing Association,  
 232  
 Police Burghs, 307-309 (*see also*  
 Urban District)  
 — Federation, 196-197  
 Polytechnic, 220  
 Pollution of rivers, 143

- Poor Law, 3, 5, 6, 18, 244-245,  
248-257, 304, 311-312, 326,  
356-357  
— Rate, 66, 103, 111-114  
Port of London, 47  
— Sanitary Authorities, 6, 8,  
142  
Portsmouth, 235  
Post Office, 38  
Pounds, John, 235  
Poverty (*see* Assistance, Public;  
Charity, Destitution, Distress  
Committees, Poor Law)  
Power, Transport, and Econo-  
mics, Dept. of, 29  
Precepts, 75-76, 297 (*see also*  
Licences, Rates, Taxes, Tithes)  
Press, Admission of, 13, 169,  
239  
Prisons and Gaols, 37, 238-240  
Private improvement, 76  
— roads, 149  
— streets, 149, 150-152, 173  
Privy Council, 17-18, 49  
Probate Duty grant, 116  
Procurator-General and Solicitor  
to the Treasury, 23  
Profiteering Act Department, 31  
Proportional representation, 13-  
14, 58  
Prostitution, juveniles, 233, 237  
Provided schools, 205-208  
Provost, 307 (*see also* Chairman,  
Lord Mayor, Mayor)  
Public Assistance (*see* Assistance,  
Public)  
— Health (*see* Health)  
— Improvement Act, 1860,  
174-175  
— Service Administration,  
Dept. of, 29-31  
— Utility Societies, 161-162  
— Works Loan Board, 23-24  
(*see also* Loans)  
Publication of records, 65, 77,  
85-86, 103, 254, 317-319, 333  
Pupil teachers, 225
- QUARRIES, 37
- RAGGED Schools, 234-235  
Raikes, Robert, 200  
Railways, 42-44, 185 (*see also*  
Tramways)  
Rate, definition, 108, 115  
Rates, 6, 8, 15, 62, 65-67, 71,  
75-76, 84, 86, 104-115, 146,  
162-163, 184, 195, 201, 203-  
205, 207-209, 216-218, 220,  
246, 247, 260, 262, 294, 297,  
300-301, 303, 309, 312, 314,  
316, 324, 326, 344-345, 348-349  
—, Borough, 84, 86  
—, Burgh, 316  
—, Consolidated, 86  
—, County, 100-102, 309  
—, District, 71, 75-76  
—, Ecclesiastical, 66, 67  
—, Education, 201, 203, 205,  
207-209, 216-218, 220, 324  
—, Exemptions, 203-204, 208  
—, General District, 86  
—, Housing, 163  
—, Ireland, 324, 326  
—, London, 294, 297, 300-301,  
303  
—, Mental Deficiency Act, 246,  
247  
—, Parish, 65, 162, 312, 314  
—, Police, 195  
—, Poor, 104-114, 326  
—, Private Improvement, 76  
—, Public Health, 146, 163  
—, Rural District, 75-76  
—, Scotland, 309, 312, 314, 316  
—, Sporting Rights, 113  
—, Unemployed Workmen Act,  
260, 262  
—, Urban District, 75-76  
—, Water, 184  
(*see also* Licences, Precepts,  
Taxes, Tithes)  
Rateable value, definition, 108  
Reading, 138  
Recess Committee's Report,  
325-326  
Reconstruction schemes, Housing,  
158  
Records, 64, 65, 77, 85-86, 88,  
102, 103, 254, 301, 317-319, 333  
Recreation, 64, 173, 174, 209, 229  
Redhill Farm Colony, 235  
Reeves, 68  
Reformatory schools, 37, 100,  
234-238, 296-297  
—, definition, 235  
Refund of contributions, Unem-  
ployment Insurance, 291  
Refuse, 33, 64, 137-139, 176, 295,  
338

- Registration, 20, 38, 67, 105, 145,  
153-154, 209, 226, 251-252,  
259-261, 299, 300, 308, 333 (*see*  
*also* Statistics, Vital Statistics)
- baptisms, 67
- births, 20, 145, 251-252
- burials, 67
- charities, 38, 333
- dairies, 145, 299
- deaths, 67, 251-252
- electors, 105, 300
- employment, 259-261
- marriages, 20, 67, 251-252
- nurses, 145
- Scotland, 308
- teachers, 209, 226
- vehicles, 153-154
- Regulations, definition, 141
- Relief, 244-245, 248-257, 356-  
357 (*see also* Assistance, Public)
- Committees, 252 (*see also*  
Distress Committees)
- Religious instruction, 204, 208
- Removal of unemployed, 259, 260
- Representation, 13-14, 37, 52-58  
(*see also* Elections, Franchise)
- minority, 57-58
- Reprieve, 36
- Research, 215
- Returning officers, 57, 69, 83
- Ridings of Yorkshire, 97
- Riots, 191
- River Conservancy, 100
- Pollution, 43, 100, 143
- Road Fund, 154
- Roads, 42-45, 62, 64, 72, 99, 100,  
148-149, 153-154, 308, 309 (*see*  
*also* Footpaths, Highways,  
Streets)
- Rome, 165-166
- Royal Burgh, 307, 309, 312, 316  
(*see also* County Borough,  
Parliamentary Borough)
- College of Art, 25
- Irish Constabulary, 192
- Lancastrian Society, 200
- Prerogative of Mercy, 36
- Stables, Master of the, 190
- Rugby, 201
- Rural Civil Parish, definition, 61
- District, definition, 70-71  
(*see* District; *see also* District  
Committees, Scotland)
- Parish (*see* Parish)
- Sanitary Districts, 148
- SAILORS (*see* Naval)
- Salford, 88, 138
- Salvage, 30
- Sanatorium treatment, 282, 304
- Sanitary Adoptive Acts, 172-173
- legislation (*see* Health)
- Savings Bank, Municipal, 189
- Certificates, 38
- Scholarships, 209, 215, 230
- School managers, 62, 207
- Schools (*see* Education)
- Science, 24, 28, 219-220
- Scotland, 13, 47-51, 65, 77, 103,  
106, 110, 114, 134, 164, 192,  
195, 201, 254, 306-319
- Sea Conservancy, 100
- Seamen (*see* Naval)
- Seats, 174
- Secondary education, definition,  
26
- roads, 148
- weights and measures, 28-  
29
- Secretaries of State, 20, 34
- Seduction of girls, 233
- Select vestry, 60, 66
- Separation allowances, 38
- "Service" pensions, 8, 19, 38-42,  
85, 99, 333-335
- Settlement movement, 327
- Sewers and drains, 33, 137-139,  
176, 295, 299, 338
- , definition, 137
- Sex Disqualification (Removal)  
Act, 1919, 92
- Sextons, 178
- Shaftesbury, *Lord*, 200
- Shelters, 174
- Sherbrooke, Robert Lowe, *Lord*  
202
- Sheriff, 101-102, 302
- Ships and Shipping, 30, 143, 237  
(*see also* Naval)
- Shire, 5, 59, 96, 100, 102 (*see also*  
County)
- halls, 100
- Shire-reeve, 102
- Shops, 37, 85, 99, 144, 296
- Sickness (*see* Animals, Diseases,  
Health)
- Benefit, National Health  
Insurance, 282-283
- Simon, *Sir John*, 136
- Single transferable vote, 13, 57-58
- Slaughter Houses, 296, 299, 308

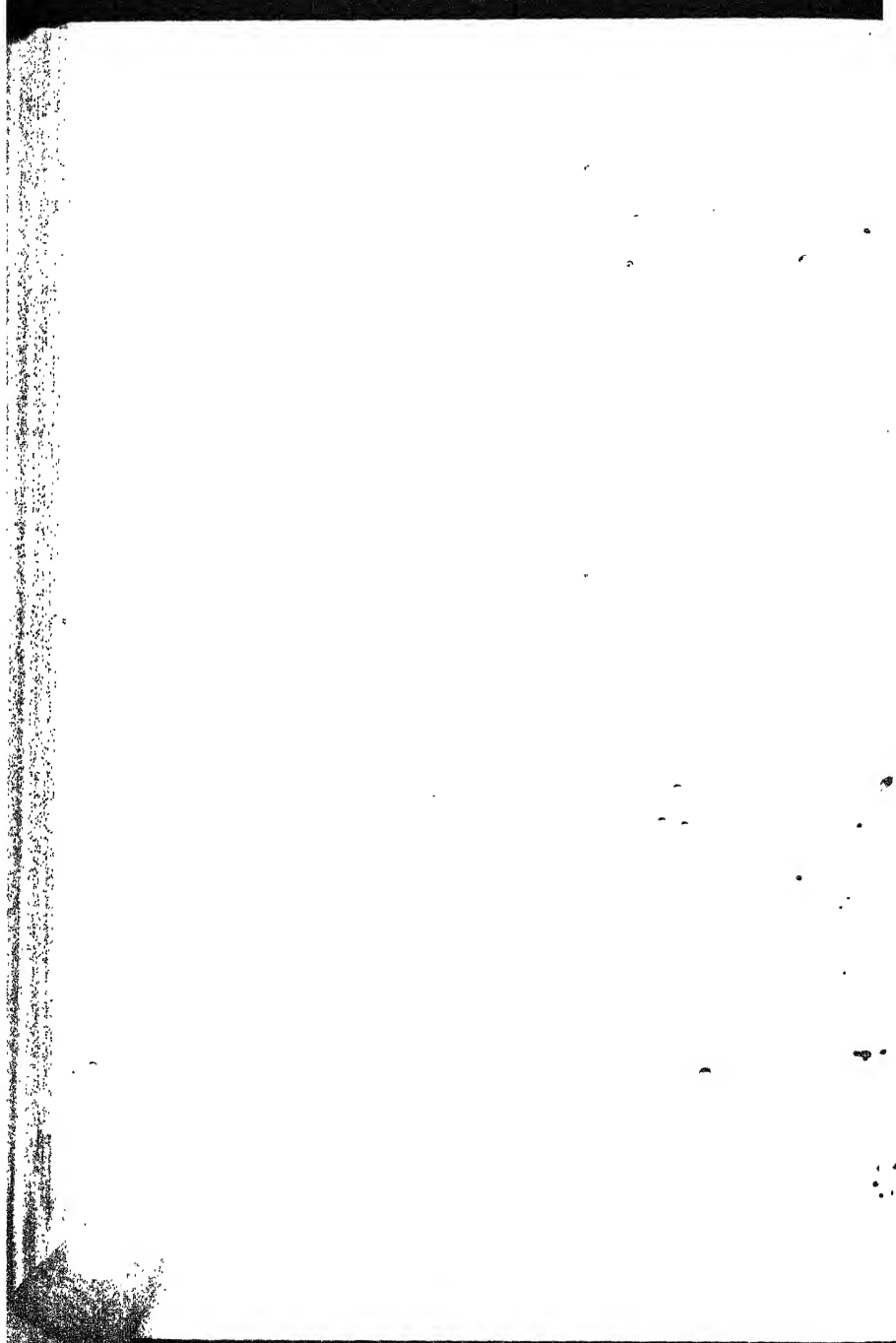
- Sludge, 137-138  
 Small Dwellings Acquisitions Act, 1899, 162,  
 — holdings, 33-34, 64, 72, 98-100, 175-176  
 Smoking, juvenile, 234  
 Society for Promoting Christian Knowledge, 199  
 — for the Prevention of Cruelty to Children, 232  
 Social Service, 327-335  
 Soldiers (*see* Military)  
 Somerset House, 252  
 South Shields, 237  
 Special Constables, 194  
 Sporting Rights, Rates, 113  
 Stables, Master of the Royal, 190  
 Stamps, 38  
 Standards Depts., 28-29  
 Standing Joint Committees, 8  
 — Orders, 336  
 State, definition, 12  
 Statistics, 12, 20, 29, 269 (*see also* Registration, Vital Statistics)  
 Statutory Committees, 14  
 — Pensions Committee, 40  
 Stipendiary magistrates, 35, 73, 81, 89, 94-95  
 Stock accounts, 128, 338  
 Stocks, 72, 87, 172  
 Streets, 72, 149, 295, 299, 308  
 —, definition, 149 (*see also* Footpaths, Highways, Roads)  
 Student teachers, 225  
 Subsidies (*see* Specific objects, etc., e.g. Housing)  
 Substantive Grant, Education, 218  
 Substituted building basis, 108  
 Suffocation of infants, 233  
 Suffolk, 97  
 Suggestions to members of local authorities, 336-341  
 Sunday Schools, 200  
 Superannuation, police, 194-195  
 —, teachers, 226-228  
 Supplementary teachers, 225  
 Supply, Commissioners of, 306  
 Surcharge, 132-133  
 Sussex, 97  
 Sweating, definition, 272  
 TALLAGE, 78-79  
 Taxes, 14-15, 115-118, 204  
 Taxes, definition, 115 (*see also* Licences, Precepts, Rates, Tithes)  
 Teachers, 25, 206, 209, 210, 214, 215, 216, 224-228, 230, 279, 311, 325  
 Technical education, 25, 219-220  
 Telegraph wires, 172  
 Telford, Thomas, 147  
 Temple, Cowper, 203  
 Territorial Local Government divisions, 343  
 Thames, 47, 305  
 — Conservancy Board, 305  
 — Embankment, 295  
 Theodore of Tarsus, *Archbp.*, 59  
 Theatres, London, 296  
 Tidal water, 29  
 Timber Supplies Department, 31  
 Tithes, 32-33, 117 (*see also* Precepts, Rates, Taxes)  
 Town meeting, 60, 61  
 Towns, chartered (*see* Borough)  
 —, unchartered (*see* District, Urban; *see also* Tum)  
 Township, 5, 59-60  
 Tolzey Court, Bristol, 88  
 Town Planning and Housing, 12, 13, 64, 72, 98, 139, 156-171, 210, 296, 299, 308, 323-324, 350-351  
 Trade, Board of, 27-31  
 — Boards, 272-277  
 — Guilds, 78  
 — marks, 29, 33  
 — names, 29  
 Trading accounts, controller of, 31  
 —, municipal, 31, 84, 179-189, 352-353  
 —, definition, 179  
 Tramways, 42-43, 184-185, 295, 296 (*see also* Railways)  
 Transport, 29, 42-47, 153-154, 296 (*see also* Highways, etc., Railways, Tramways, Ships and Shipping, Vehicles)  
 Treasure trove, 101  
 Treasury, 21-24  
 Treaties, foreign, 28  
 Truant schools, 237  
 Trusts, Educational, 218-219  
 Tun, 59, 78 (*see also* Borough, Towns)



- Tunnels, London, 295  
 Tutorial classes, university, 230  
 Tyne River Police, 191
- UNCERTIFICATED teachers, 225  
 Unemployed Body, Central, 305  
   — Workmen Acts, 8, 18, 258-262  
 Unemployment, 8, 18, 253, 256, 257, 258-262, 269-279, 287-293, 305, 357  
   — Fund (Government), 293  
   — Insurance, 256, 269, 278, 287-293, 357  
 Unhealthy dwellings, 159 (*see also* Housing)  
 Union Assessment Committee, 106, 109-110  
   — of National Education, 203  
 Unions, Poor Law, 249, 250, 257 (*see also* Poor Law)  
 Universities, 25, 26, 53-54, 57-58, 229-230  
   — elections, 57  
   — franchise, men, 53, 58  
   — —, women, 54, 58  
 University education, definition, 26  
 Unmarried mothers, pauper, 245  
 Urban Civil Parish, definition, 61 (*see* Parish)  
 Urban District, definitions, 70-71 (*see* District; *see also* Police Burghs)
- VACCINATION, 49, 251, 308  
 Vagrants, 235, 236, 237, 240  
 Valuation, Assets (Scotland), 313  
   — Land, 45, 46, 158, 163-164  
   — lists, 66, 105-110  
   — Poor Rate, 68, 71, 76, 86, 100, 102, 105-110, 251, 300, 312  
 Vegetable pickers, 143  
 Vehicles, 42-47, 153-154  
 Verminous persons, 144, 240  
 Vestry, 60, 66  
 Victoria and Albert Museum, 25  
 Vital Statistics, 20, 67, 145, 251-252 (*see also* Registration, Statistics)  
 Vivisection, 37  
 Vote (*see* Elections, Franchise, Representation)
- WAGES, 272-277  
 Wales, 26, 213-214, 273-274  
 Washhouses, 64, 174, 184, 300, 308  
 Wastes, roadside, 72  
 War charities, 332-333  
   — memorials, 175  
   — pensions, 8, 38-42, 85, 99, 333-335  
 War, Secretary for, 34  
 Waring, G. E., 138  
 Watch, 83, 173-174, 190-192 (*see also* Police)  
   — committees, 83, 192  
 Waterman's Company, 47  
 Water Supply and Undertakings, 49, 64, 100, 143, 183-184, 296, 304-305, 309, 338  
 Waterways, Inland, 42-43, 44-47  
 Watling Street, 147  
 Waugh, Benjamin, 232  
 Way, Right of, 64, 72, 153 (*see also* Footpaths, Highways, Roads, Streets)  
   — wardens, 147  
 Webb, Sidney and Beatrice, 272  
 Weighing machines, carts, 183  
 Weights, 28-29, 84, 99, 100, 296, 308  
 Welfare work, 327-335  
   " Wellesley," 237  
 Welspool, 79  
 Wesley, John, 199-200  
 West Ham Park, 302  
 West India Dock, London, 47  
 Whip, Principal Government, 22  
 Whisky money, 210, 220  
 Whitbread, 201  
 Whitfield, 199-200  
 Whitworth Scholarship, 219  
 Wigan, 219  
 Wight, Isle of, 97  
 Williams, George, 220  
 Women, 15-16, 53-54, 55-56, 58, 70, 92, 145, 196, 205-207, 243-244, 264, 274, 276, 307, 312, 334  
   — franchise, 53-54, 55-56, 58  
   — police, 196  
 Worcester, 138  
 Work (*see* Employment)  
 Workers' Educational Association, 219  
 Workhouses, 253 (*see also* Poor Law)

- Working Men's College, 219  
Workplaces, 37, 85, 99, 114,  
296  
Works Departments, 338-339  
—— Schools, 213  
Wreck, 30  
Wren, Christopher, 166  
Writs, High Court of Justice, 12  
YORKSHIRE, 97  
Young Men's Christian Associa-  
tion, 220  
—— person, definition, 231 *see*  
Juveniles)





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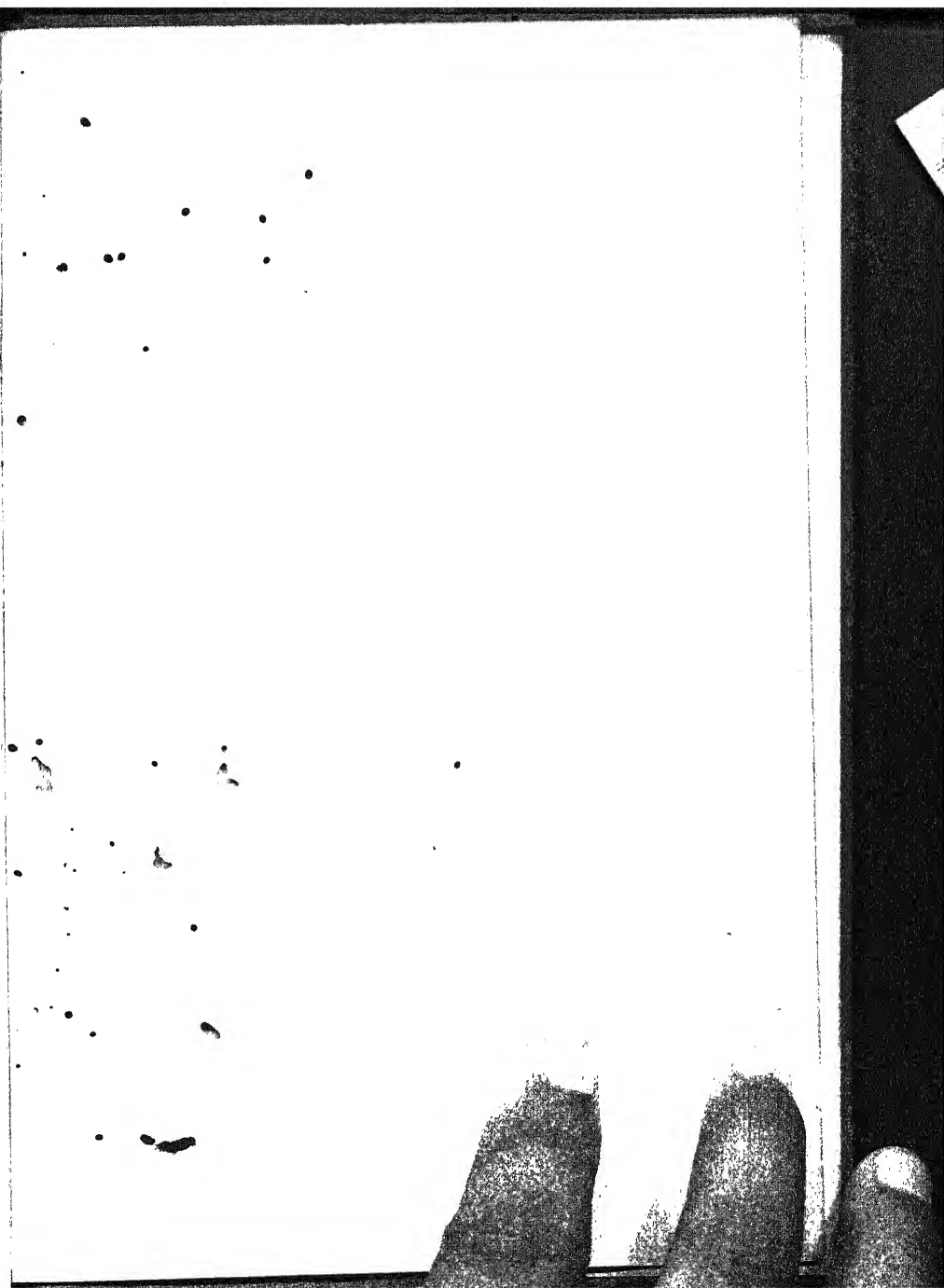
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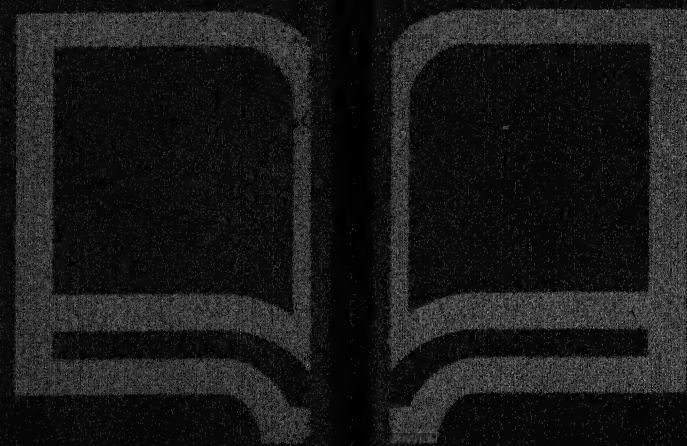
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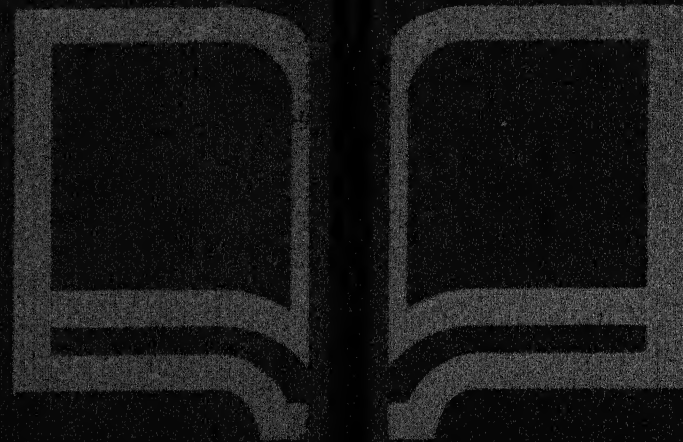




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